MEETING
STATE OF CALIFORNIA
LANDS COMMISSION

WYNDHAM SAN DIEGO BAYSIDE
1355 NORTH HARBOR DRIVE
SAN DIEGO, CALIFORNIA

MONDAY, DECEMBER 3, 2018
1:02 P.M.

JAMES F. PETERS, CSR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

J&K COURT REPORTING, LLC  916.476.3171
APPEARANCES

COMMISSION MEMBERS:
Ms. Betty T. Yee, State Controller, Chairperson
Mr. Gavin Newsom, Lieutenant Governor, represented by Ms. Sloane Viola
Ms. Keely Bosler, Director of Department of Finance, represented by Ms. Jacqueline Wong-Hernandez

STAFF:
Ms. Jennifer Lucchesi, Executive Officer
Mr. Colin Connor, Assistant Executive Officer
Mr. Mark Meier, Chief Counsel
Ms. Nicole Dobroski, Assistant Chief, Marine Environmental Protection Division
Ms. Maren Farnum, Environmental Scientist, Executive Office
Ms. Jennifer Mattox, Science Policy Advisor and Tribal Liaison
Ms. Sheri Pemberton, Chief, External Affairs and Legislative Liaison
Mr. Jonathan Thompson, Senior Environmental Scientist, Marine Invasive Species Program, Marine Environmental Protection Division

ATTORNEY GENERAL:
Mr. Andrew Vogel, Deputy Attorney General
APPEARANCES CONTINUED

ALSO PRESENT:
Ms. Paloma Aguirre, WILDCOAST
Ms. Mina Babiarz, Public Watchdogs
Mr. Rafael Castellanos, Port of San Diego
Mr. Mark Chytilo, Raemar Crest, LLC, Gaviota Coast Conservancy
Mr. Mike Conroy, Commercial and Recreational Fishing
Ms. Sienna Courter, San Francisco Baykeeper
Mr. Serge Dedina, Mayor, City of Imperial Beach
Mr. Bahram Fazeli, Communities for a Better Environment
Mr. Jason Giffen, Port of San Diego
Mr. Peter Halmay, San Diego Fishermen's Working Group
Ms. Pam Heatherington, Environmental Center of San Diego
Mr. Morgan Jones, Santa Barbara County
Mr. Wayne Kotow, Coastal Conservation Association of California
Mr. Charles Langley, Public Watchdogs
Mr. John Law, San Diego Fishermen's Working Group
Ms. Lesley Nishihira, Port of San Diego
Mr. Matt O'Malley, San Diego Coastkeeper
Ms. Erica Pinto, Jamul Indian Village
Dr. David Revell, Revell Coastal, LLC
Ms. Mari Rose Taruc, Environmental Justice Working Group
Ms. Mandy Sackett, Surfrider Foundation
## I N D E X

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<td>I 1:00 P.M. - OPEN SESSION</td>
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<td>II CONFIRMATION OF MINUTES FOR THE MEETING OF OCTOBER 18, 2018</td>
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<td>III EXECUTIVE OFFICER'S REPORT</td>
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Continuation of Rent Actions to be taken by the Executive Officer pursuant to the Commission's Delegation of Authority:

- Delta Diamond Ventures, LLC (Lessee): Continuation of annual rent at $199 per year for a General Lease - Recreational Use located on sovereign land in Sacramento River, adjacent to 15175 state Highway 160, near Isleton, Sacramento County. (PRC 8488.1)

- Norbert J. Dickman and Benjamin L. Blake, Trustees of the Roger Dickson Trust and of the Scott Dickson Trust; and Norbert Dickman, as Trustee of the Barbara Fasken 1995 Trust for the benefit of Roger Dickson and Scott Dickson (Lessee): Continuation of annual rent at $754 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 2247 Cascade Road, near South Lake Tahoe, El Dorado County. (PRC 8511.1)

- William R. Green and Michelle A. Green, as Trustees of the William and Michelle Green 1999 Revocable Trust (Lessee): Continuation of annual rent at $2,223 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 8801 One Ring Road, near South Lake Tahoe, El Dorado County. (PRC 8251.1)

- Todd Y. King and Shareen M. King, Trustees of the Todd and Shareen King Living Trust, dated July 30, 2009 (Lessee): Continuation of rent at $236 per annum, for a General Lease - Recreational and Protective Structure Use, of sovereign land in the Colorado River, adjacent to 1166 Beach Drive, Needles, San Bernardino County. (PRC 9121.1)

- Martis Camp Club (Lessee): Continuation of annual rent at $754 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 6920 North Lake Boulevard, near Tahoe Vista, Placer County. (PRC 7862.1)

- Serene Properties, LLC (Lessee): Continuation of annual rent at $754 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 2200 North Lake Boulevard, near Tahoe City, Placer County. (PRC 8510.1)

- J.W. Silveira, Trustee of the J.W. Silveira and Barbara O. Silveira Family Trust; and, SFTA, LLC, a California Limited Liability Company and SACROS, LLC, a California Limited Liability Company (Lessee): Continuation of annual rent at $2,308 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 2197 and 2201 Cascade Road, near South Lake Tahoe, El Dorado County. (PRC 4282.1)

- Tiki Lagun Partners, LLC (Lessee): Continuation of annual rent at $19,098 per year with an annual CPI adjustment, for a General Lease - Commercial Use located on sovereign land in the Whiskey Slough, adjacent to 12988 West McDonald Road, near Stockton, San Joaquin County. (PRC 4082.1)

- Brian Ward and Teresinha S. Ward, as Co-Trustees of the Brian Ward and Teresinha Ward Living Trust dated May 6, 1993 (Lessee): Continuation of annual rent at $754 per year for a General Lease - Recreational Use located on sovereign land in Lake Tahoe, adjacent to 3856 North Lake
INDEX CONTINUED

Boulevard, near Carnelian Bay, Placer County. (PRC 8508.1)

IV CONSENT CALENDAR C01-C73

THE FOLLOWING ITEMS ARE CONSIDERED TO BE NONCONTROVERSIAL AND ARE SUBJECT TO CHANGE AT ANY TIME UP TO THE DATE OF THE MEETING.

LAND MANAGEMENT DIVISION
NORTHERN REGION

C 01 400 CONVENTION WAY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (ASSIGNOR); STACY ARGO AND CYNTHIA ARGO (ASSIGNEE): Consider assignment of Lease No. PRC 8586.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4886 North Lake Boulevard, near Carnelian Bay, Placer County; for two existing mooring buoys. CEQA Consideration: not a project. (PRC 8586.1; RA# 01418) (A 1; S 1) (Staff: J. Toy)

C 02 9898 LAKE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (LESSEE); SF PACIFIC, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider waiver of rent, penalty, and interest; termination of Lease No. PRC 4856.1, a General Lease - Recreational Use; and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 9898 Lake Street, near Kings Beach, Placer County; for an existing pier previously authorized by the Commission, and an existing floating boat dock not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 4856.1; RA# 23117) (A 1; S 1) (Staff: S. Avila)

C 03 C.E. ANDERSON, SOLE TRUSTEE OF THE ANDERSON FAMILY TRUST, DATED APRIL 27, 1993 (APPLICANT): Consider an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 7840 North Lake Boulevard, near Tahoe Vista, Placer County; for two existing mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27202; RA# 00318) (A 1; S 1) (Staff: M.J. Columbus)
INDEX CONTINUED

C 04 AT&T CORPORATION (LESSEE): Consider amendment of Lease No. PRC 8203.1, General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean, near Manchester State Beach, Mendocino County; to modify the burial depth inspection survey interval for conduits and fiber-optic cables. CEQA Consideration: not a project. (PRC 8203.1; RA# 19885) (A 2; S 2) (Staff: M. Schroeder)

C 05 L.C. BOWMAN, TRUSTEE OF THE L.C. BOWMAN TRUST INITIALLY CREATED ON APRIL 15, 2009 (LESSEE); BETSY L. STONE, AS TRUSTEE OF THE HARRIS FAMILY TRUST UDT DATED JANUARY 26, 2018 (APPLICANT): Consider waiver of rent, penalty, and interest; termination of Lease No. PRC 7420.1, a General Lease - Recreational Use; and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 247 Drum Road, near Meeks Bay, El Dorado County; for two existing mooring buoys. CEQA Consideration: categorical exemption. (PRC 7420.1; RA#32117) (A 5; S 1) (Staff: S. Avila)

C 06 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE-WILDLIFE CONSERVATION BOARD AND COUNTY OF YOLO (LESSEE): Consider amendment of Lease No. PRC 5791.9, a General Lease - Public Agency Use, of sovereign land located in Sycamore Slough, near Knights Landing, Yolo County; to extend the construction completion date for the reconstruction of the Knights Landing Boat Launch Facility and allow the installation of an automated pay station and security cameras. CEQA Consideration: Mitigated Negative Declaration, adopted by the County of Yolo, State Clearinghouse No. 2017092057, and adoption of a Mitigation Monitoring Program. (PRC 5791.9; RA# 07517) (A 4; S 3) (Staff: M.J. Columbus)

C 07 CITY OF WEST SACRAMENTO (LESSEE): Consider amendment of Lease No. PRC 6002.9, a General Lease - Public Agency Use, of sovereign land located in the Sacramento River, 651 Waterfront Place, West Sacramento, Yolo County; for construction of docks and appurtenant facilities. CEQA Consideration: Mitigated Negative Declaration, adopted by the City of West Sacramento, State Clearinghouse No. 2014022054, and adoption of a Mitigation Monitoring Program.
C 08 JAMES DOBBAS AS TRUSTEE UNDER DECLARATION OF
TRUST DATED DECEMBER 22, 1976 (LESSEE): Consider
amendment of lease and revision of rent to Lease No.
PRC 4494.1, a General Lease - Recreational Use, of
sovereign land located in Lake Tahoe, adjacent to 8297
Meeks Bay Avenue, near Meeks Bay, El Dorado County;
for an existing pier and one mooring buoy. CEQA
Consideration: not projects. (PRC 4494.1) (A 5; S 1)
(Staff: S. Evans)

C 09 HELIO A. FIALHO AND THERESE S. FIALHO, TRUSTEES
OF THE FIALHO FAMILY TRUST; AND BRIAN J. METTLER
(LESSEE); HELIO A. FIALHO AND THERESE S. FIALHO,
TRUSTEES OF THE FIALHO FAMILY TRUST DATED JULY 3,
2002; AND BRIAN J. METTLER (APPLICANT): Consider
application for General Lease - Recreational Use, of
sovereign land located in Lake Tahoe, adjacent to 1600
and 1620 North Lake Boulevard, near Tahoe City, Placer
County; for the modification of an existing joint-use
pier, installation of two boat lifts, removal of one
existing mooring buoy, and use and maintenance of
three existing mooring buoys. CEQA Consideration:
categorical exemption. (PRC 5561.1, RA# 20917) (A 1; S
1) (Staff: M. J. Columbus)

C 10 KEN FIELD AND MARGARET FIELD TRUSTEES OF THE KEN
FIELD AND MARGARET FIELD REVOCABLE TRUST DATED
FEBRUARY 22, 2012; ROBERT W. FIELD, JR.; AND JAMES L.
FIELD (APPLICANT): Consider application for a General
Lease - Recreational Use, of sovereign land located in
Lake Tahoe, adjacent to 3900 North Lake Boulevard,
near Carnelian Bay, Placer County; for an existing
pier, covered cabana, boat lift, and two mooring
buoys. CEQA Consideration: categorical exemption. (PRC
2284.1; RA# 03318) (A 1; S 1) (Staff: J. Toy)

C 11 RONALD S. FILES AND JENNIFER A. FILES, TRUSTEES
OF THE FILES FAMILY LIVING TRUST DATED JANUARY 13,
1992; DOUGLAS J. VALENTINE AND KIRSTEN A. VALENTINE AS
TRUSTEES OF THE VALENTINE FAMILY TRUST DATED NOVEMBER
1, 2006; WILLIAM D. SCHMICKER AND NATHALIE E.
SCHMICKER, TRUSTEES OF THE SCHMICKER REVOCABLE TRUST

C 12 SEAN J. KEENE AND AMMANDA E. KEENE, TRUSTEES OF THE SEAN AND AMMANDA KEENE 2004 TRUST DATED AUGUST 19, 2008, AS AMENDED (APPLICANT): Consider acceptance of a lease quitclaim deed for Lease No. PRC 4855.1, a General Lease - Recreational Use, and application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5820 North Lake Boulevard, near Agate Bay, Placer County; for an existing pier and two mooring buoys; and reconstruction of a portion of the pier. CEQA Consideration: categorical exemptions. (PRC 4855.1; RA# R30317) (A 1; S 1) (Staff: J. Toy)

C 13 BRUCE CLARKE KENNEDY AS TRUSTEE OF THE BRUCE CLARKE KENNEDY LIVING TRUST, U/T/A APRIL 12, 2017 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4470 North Lake Boulevard, near Carmelian Bay, Placer County; for an existing pier and boat hoist. CEQA Consideration: categorical exemption. (PRC 4247.1; RA# 27717) (A 1; S 1) (Staff: S. Avila)

C 14 MARILYN JANE KENNEDY, AS TRUSTEE OF THE MJK TRUST, DATED FEBRUARY 17, 2006; AND KYLE P. KENNEDY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 5058 West Lake Boulevard, near Homewood, Placer County; for an existing pier and one mooring buoy. CEQA Consideration: categorical
exemption. (PRC 3661.1; RA# 18417) (A 1; S 1) (Staff: J. Toy)

C 15 VICTORIA F. LEONARD AND TAHOE BOATHOUSE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1370 and 1380 West Lake Boulevard, near Sunnyside, Placer County; for an existing joint-use pier with three boat slips and one mooring buoy. CEQA Consideration: categorical exemption. (PRC 6715.1; RA# 32217) (A 1; S 1) (Staff: J. Toy)

C 16 LLOYD A. LUNDSTROM, III; NANCY GILL; MARGY LUNDSTROM; GERALDINE M. LUNDSTROM, TRUSTEE OF THE GERALDINE M. LUNDSTROM SURVIVOR'S TRUST UDT DATED DECEMBER 21, 1991 AS AMENDED AND SUCCESSOR TRUSTEES THEREUNDER; GERALDINE M. LUNDSTROM, TRUSTEE OF THE LLOYD A. LUNDSTROM, JR., BYPASS TRUST UDT DATED DECEMBER 21, 1991 AS AMENDED AND SUCCESSOR TRUSTEES THEREUNDER (LESSEE); THEODORE SCHUMAN AND JOCELYN SCHUMAN (APPLICANT): Consider waiver of rent, penalty, and interest; termination of Lease No. PRC 4226.1, a General Lease - Recreational Use; and an application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4920 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, boathouse, sundeck with stairs, and two mooring buoys previously authorized by the Commission; removal of an existing boat hoist and installation of a boat lift; reconstruction of an existing catwalk; and replacement of joists and decking of the sundeck with stairs. CEQA Consideration: categorical exemptions. (PRC 4226.1; RA# 28717) (A 1; S 1) (Staff: S. Avila)

C 17 MCKINNEY SHORES PROPERTY OWNERS ASSOCIATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to Assessor's Parcel Numbers 097-191-001, 098-021-001, and 098-041-006, near Homewood, Placer County; for two existing piers, 66 mooring buoys, and one swim float. CEQA Consideration: categorical exemption. (PRC 4053.1; RA# 32717) (A 1; S 1) (Staff: S. Avila)
C 18 JAMES R. MEIER AND PENELlope A. MEIER, TRUSTEES OF THE MEIER 2012 IRREVOCABLE TRUST AGREEMENT DATED NOVEMBER 9, 2012 (APPLICANT): Consider application for General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6690 West Lake Boulevard, near Tahoma, Placer County; for an existing pier, boathouse, and one mooring buoy previously authorized by the Commission and one existing mooring buoy not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 3660.1; RA# 02518) (A 1; S 1) (Staff: S. Avila)

C 19 PATRICIA L. PEARSON, TRUSTEE OF TRUST A ESTABLISHED UNDER THE PAUL A. AND PATRICIA L. PEARSON FAMILY TRUST DATED NOVEMBER 25, 1985, AS AMENDED (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4210 and 4220 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier and boathouse with boat lift previously authorized by the Commission and two existing mooring buoys not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 5632.1; RA# 04517) (A 1; S 1) (Staff: S. Avila)

C 20 LEland F. PORTEOUS AND MARY L. PORTEOUS, TRUSTEES OF THE LELAND AND MARY PORTEOUS TRUST DATED AUGUST 18, 1997; AND LAWRENCE E. PORTEOUS AND LINDA G. PORTEOUS (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 6130 West Lake Boulevard, near Homewood, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 2893.1; RA# 03918) (A 1; S 1) (Staff: J. Toy)

C 21 RIDGEOuRD PIER OWNERS ASSOCIATION (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 4520 North Lake Boulevard, near Carnelian Bay, Placer County; for an existing pier, 15 mooring buoys, and one swim float. CEQA Consideration: categorical exemption. (PRC 4967.1; RA# 22817) (A 1; S 1) (Staff: S. Avila)
INDEX CONTINUED

C 22 BRANDON M. ROSS AND KATHERINE V. ROSS (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 10135 Garden Highway, near Sacramento, Sutter County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 6989.1; RA# 30117) (A 4; S 3) (Staff: S. Avila)

C 23 SACRAMENTO YACHT CLUB (LESSEE); FIRST NORTHERN BANK OF DIXON (SECURED-PARTY LENDER): Consider application for the Agreement and Consent to Encumbrancing of Lease No. PRC 5512.1, a General Lease - Commercial Use, of sovereign land located in the Sacramento River, adjacent to 3365 South River Road, near West Sacramento, Yolo County; for an existing private yacht club, known as the Sacramento Yacht Club. CEQA Consideration: not a project. (PRC 5512.1; RA# 06118) (A 7; S 6) (Staff: M. Schroeder)

C 24 SIENNA PARTNERS, LLC; LEE J. SCHWEICHLER, TRUSTEE OF THE ANN W. SCHWEICHLER QUALIFIED PERSONAL RESIDENCE TRUST, DATED SEPTEMBER 10, 2009; AND ANN W. SCHWEICHLER, TRUSTEE OF THE LEE J. SCHWEICHLER QUALIFIED PERSONAL RESIDENCE TRUST, DATED SEPTEMBER 10, 2009 (APPLICANT): Consider amendment of Lease No. PRC 6819.1, a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 8375 and 8381 Meeks Bay Avenue, near Meeks Bay, El Dorado County; for four existing mooring buoys and a sundeck with safety railings; and reconstruction of an existing pier and appurtenant facilities. CEQA Consideration: categorical exemptions. (PRC 6819.1; RA# 07518) (A 5; S 1) (Staff: M.J. Columbus)

C 25 TAHOE BOATHOUSE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 1380 West Lake Boulevard, near Sunnyside, Placer County; for an existing pier and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 6716.1; RA# 31617) (A 1; S 1) (Staff: J. Toy)
C 26 TOLOWA DEE-NI' NATION (APPLICANT): Consider waiver of rent, penalty, and interest; and application for a General Lease - Recreational Use, of sovereign land located in the Smith River, adjacent to 200 Salmon Harbor Road, near Smith River, Del Norte County; for existing boat ramp, rock jetty with fish cleaning station, and six concrete pilings. CEQA Consideration: categorical exemption. (PRC 1584.1; RA# 07618) (A 2; S 2) (Staff: M. Schroeder)

C 27 SONJA L. VUKASIN, TRUSTEE OF THE GENERATION-SKIPPING BYPASS TRUST UA VUKASIN FAMILY LIVING TRUST DATED OCTOBER 10, 1994 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Lake Tahoe, adjacent to 980 West Lake Boulevard, near Tahoe City, Placer County; for an existing pier, boathouse, sundeck with stairs, two boat hoists, and two mooring buoys. CEQA Consideration: categorical exemption. (PRC 7773.1; RA# 31717) (A 1; S 1) (Staff: S. Avila)

BAY/Delta REGION

C 28 RUTH BEGO, TRUSTEE OF DECLARATION OF TRUST OF RUTH BEGO DATED JULY 19, 1985 (ASSIGNOR); CARSON B. COX, TRUSTEE OF THE REVOCABLE TRUST AGREEMENT OF CARSON B. COX DATED NOVEMBER 13, 1999 (ASSIGNEE): Consider assignment of Lease No. PRC 9270.1, a General Lease - Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 43 Greenbrae Boardwalk, near Greenbrae, Marin County; for two existing boat docks and appurtenant facilities. CEQA Consideration: not a project. (PRC 9270.1; RA# 05318) (A 10; S 2) (Staff: G. Asimakopoulos)

C 29 BURLINGAME BAY ASSOCIATES (LESSEE): Consider amendment of lease and revision of rent to Lease No. PRC 4687.1, a General Lease - Commercial Use, of filled and unfilled sovereign land located in San Francisco Bay, near Burlingame, San Mateo County; for a restaurant, parking lot, lagoon, footbridge, pedestrian path, landscaping, and shoreline protection. CEQA Consideration: not a project. (PRC 4687.1) (A 22; S 13) (Staff: A. Francoia)
C 30 CROCKETT MARINE SERVICES, INC. (LESSEE): Consider finding of default; authorizing termination of a General Lease - Commercial Use; and authorizing the Executive Officer, or her designee, to take all steps necessary, including litigation or acceptance of quitclaim, to cause payment of back rent; the removal of an existing commercial marina, restaurant, boat repair facility, and appurtenant facilities, located in the Carquinez Strait adjacent to 501 Port Street, Crockett, Contra Costa County; and the restoration of the land to its condition prior to the alterations made under Lease No. PRC 2564.1, a General Lease - Commercial Use, to the satisfaction of the Commission. CEQA Consideration: not a project. (PRC 2546.1) (A 14; S 3) (Staff: N. Lavoie)

C 31 CHEMTRADE WEST US LLC (LESSEE): Consider revision of rent to Lease No. PRC 4410.1, a General Lease - Right-of-Way Use, of sovereign land located in the Suisun Bay, adjacent to 501 Nichols Road, near Bay Point, Contra Costa County; for an existing outfall pipeline. CEQA Consideration: not a project. (PRC 4410.1) (A 14; S 7) (Staff: S. Evans)

C 32 CITY OF PALO ALTO (LESSEE): Consider amendment of Lease No. PRC 9143.1, a General Lease - Public Agency Use, of sovereign land near the Palo Alto Airport, Palo Alto, Santa Clara County; to authorize existing pipelines and allow for the construction of a new outfall pipeline associated with a wastewater treatment plant. CEQA Consideration: Mitigated Negative Declaration, adopted by the City of Palo Alto, State Clearinghouse No. 2017122060, and adoption of a Mitigation Monitoring Program. (PRC 9143.9; RA# 29817) (A 24; S 13) (Staff: D. Tutov)

C 33 CITY OF SUISUN CITY (APPLICANT): Consider application for a General Lease - Dredging, of sovereign land located in Suisun Slough, City of Suisun City, Solano County; maintenance dredging of a maximum of 63,850 cubic yards of material over ten years and disposal of dredged material at the United States Army Corps of Engineers' designated upland site at Pierce Island. CEQA Consideration: categorical exemption. (PRC 7757.9; RA# 08918) (A 11; S 3) (Staff: A. Francoia)
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<td>C 34 CROSSINGS AT 880 INDUSTRIAL LLC, A DELAWARE LIMITED LIABILITY COMPANY (ASSIGNOR); THE CROSSINGS @ 880 OWNERS ASSOCIATION, A CALIFORNIA NONPROFIT MUTUAL BENEFIT CORPORATION (ASSIGNEE): Consider assignment of Lease No. PRC 8370.1, a General Lease - Right-of-Way Use, of sovereign land located in Coyote Creek, adjacent to Assessor's Parcel Number 519-0820-002-16, near Fremont, Alameda County; for four existing culverts. CEQA Consideration: not a project. (PRC 8370.1; RA# 04718) (A 25; S 10) (Staff: G. Asimakopoulos)</td>
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<td>C 35 ADAM FARROW (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Calaveras River, adjacent to 4423 Yacht Harbor Drive, Stockton, San Joaquin County; for an existing covered boat dock, side boat dock, 14 pilings, landing, ramp, and walkway previously authorized by the Commission, and two existing floats, boat lift, and bank protection not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 3686.1; RA# 21017) (A 13; S 5) (Staff: J. Holt)</td>
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<td>C 36 JEREMY M. FISHER-SMITH (APPLICANT): Consider application for a General Lease - Commercial Use, of sovereign land located in Tomales Bay, adjacent to 19225 Highway 1, Marin County; for three existing mooring buoys not previously authorized by the Commission. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (W 26950; RA# 17615) (A 10; S 2) (Staff: D. Tutov)</td>
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<td>C 37 STEVEN F. GIANANDREA AND JUDY L. BAKER-GIANANDREA, TRUSTEES OF THE GIANANDREA FAMILY TRUST DATED OCTOBER 30, 2007 (LESSEE): Consider revision of rent to Lease No. PRC 6527.1, a General Lease - Recreational and Protective Structure Use, of sovereign land located in the San Joaquin River, adjacent to 2039 Cove Court, Stockton, San Joaquin County; for a boat dock, appurtenant facilities, bulkhead, and fill. CEQA Consideration: not a project. (PRC 6527.1) (A 13; S 5) (Staff: S. Evans)</td>
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C 38 LEE HENRY GREENBERG, TRUSTEE OF THE LEE HENRY GREENBERG REVOCABLE TRUST (APPLICANT): Consider application for a General Lease - Residential and Recreational Use, of sovereign land located in Corte Madera Creek, adjacent to 14 Lucky Drive, near Greenbrae, Marin County; for an existing residence, decks, docks, and appurtenant facilities. CEQA Consideration: categorical exemption. (PRC 8031.1; RA# 24617) (A 10; S 2) (Staff: V. Caldwell)

C 39 WILLIAM J. KOENIG AND JANE O'GREEN KOENIG, CO-TRUSTEES OF THE KOENIG FAMILY TRUST, DATED FEBRUARY 20, 2001 (APPLICANT): Consider application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 4027 Garden Highway, near Sacramento, Sacramento County; for an existing boat dock, appurtenant facilities, and bank protection. CEQA Consideration: categorical exemption. (PRC 7794.1; RA# 24217) (A 7; S 6) (Staff: J. Holt)

C 40 JOHN C. LAING AND ELIZABETH A. LAING, AS TRUSTEES OF THE 2000 JOHN C. LAING AND ELIZABETH A. LAING REVOCABLE TRUST DATED AUGUST 23, 2000, AS AMENDED AND RESTATED ON APRIL 22, 2013 (APPLICANT): Consider application for a General Lease - Protective Structure Use, of sovereign tide and submerged land located in the Pacific Ocean, adjacent to 4610 Opal Cliff Drive, near Santa Cruz, Santa Cruz County; for an existing stem wall. CEQA Consideration: categorical exemption. (PRC 8793.1; RA# 23916) (A 29; S 17) (Staff: G. Asimakopoulos)

C 41 LIND TUG AND BARGE, INC. (APPLICANT): Consider adoption of a Mitigated Negative Declaration, State Clearinghouse No. 2018062075, and adoption of a Mitigation Monitoring Program, and consider application for a General Lease - Mineral Extraction, of sovereign land located in south San Francisco Bay, near the San Mateo Bridge, San Mateo and Alameda Counties; for the mineral extraction of oyster shell deposits. (PRC 5534.1; RA# 00516) (A 20, 22; S 10, 13) (Staff: A. Francoia)
I N D E X  C O N T I N U E D

C 42 MATTHEW PORTER (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 19025 Highway 1, Marin County; for an existing mooring buoy not previously authorized by the Commission. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (W 27191; RA# 38415) (A 10; S 2) (Staff: D. Tutov)

C 43 ROBERT ROZETT (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in Tomales Bay, adjacent to 19025 Highway 1, near Marshall, Marin County; for an existing mooring buoy not previously authorized by the Commission. CEQA Consideration: Negative Declaration, adopted by the California State Lands Commission, State Clearinghouse No. 2012082074. (W 27197; RA# 34615) (A 10; S 2) (Staff: D. Tutov)

C 44 ERIC C. SCNEDER AND JACALYN SCNEDER (LESSEE); THOMAS A. CHEDDAR AND BARBARA L. CHEDDAR (APPLICANT): Consider acceptance of quitclaim deed for Lease No. PRC 6740.1, a General Lease - Recreational Use, and application for a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 14434 State Highway 160, near Walnut Grove, Sacramento County; for an existing covered boat dock with slip, appurtenant facilities, and two speed buoys. CEQA Consideration: categorical exemption. (PRC 6740.1; RA# 23417) (A 11; S 3) (Staff: J. Holt)

C 45 PAUL SCOTT AND ANDREA SCOTT (APPLICANT): Consider termination of Lease No. PRC 4784.1, a General Lease - Recreational and Protective Structure Use; and an application for a General Lease - Recreational and Protective Structure Use, of sovereign land located in the Sacramento River, adjacent to 17368 Grand Island Road, near Walnut Grove, Sacramento County; for an existing fishing pier with wood enclosure, ramp, and bank protection previously authorized by the Commission, and an existing floating boat dock and gangway not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 4784.1; RA# 16116) (A 11; S 3) (Staff: J. Holt)
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<td><strong>C 46</strong> STEAMBOAT LANDING, LLC (LESSEE): Consider revision of rent to Lease No. PRC 4244.1, a General Lease - Recreational Use, of sovereign land located in the Sacramento River, adjacent to 12414 State Highway 160, Courtland, Sacramento County; for an accommodation dock, gangway, guest dock with connecting walkway and appurtenant facilities. CEQA Consideration: not a project. (PRC 4244.1) (A 11; S 3) (Staff: S. Evans)</td>
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<td><strong>C 47</strong> LUCY M. STEVENOT; TODD STEVENOT AND ANNE CATHARINE SANDBACH (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Petaluma River, adjacent to 128 Beattie Avenue, near Novato, Marin County; for an existing walkway, float and deck. CEQA Consideration: categorical exemption. (PRC 3869.1; RA# 35017) (A 10; S 2) (Staff: J. Holt)</td>
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<td><strong>C 48</strong> TIME WARNER TELECOM CALIFORNIA, L.P. (LESSEE): Consider revision of rent to Lease No. PRC 8014.1, a General Lease - Right-of-Way Use, of sovereign land located in the San Joaquin River, Laird Slough, Tuolumne River, and Merced River, near Grayson, Herndon, Atwater, and the city of Modesto, in the counties of Stanislaus, Madera, Fresno, and Merced; for a pipe casing containing six conduit ducts with fiber-optic cable within four of the six ducts. CEQA Consideration: not a project. (PRC 8014.1) (A 5, 21, 23; S 8, 12) (Staff: S. Evans)</td>
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<td><strong>C 49</strong> U.S. FISH AND WILDLIFE SERVICE (LESSEE): Consider amendment of Lease No. PRC 8993.9, a General Lease - Public Agency Use, of sovereign land located in the Napa River and Dutchman Slough, near Vallejo, Solano County; for extension of lease term; expansion of lease area; and modification of authorized improvements, for the Cullinan Ranch Restoration Project. CEQA Consideration: Environmental Impact Report/Statement certified by the California Department of Fish and Wildlife, State Clearinghouse No. 20070920004. (PRC 8993.9; RA# 14017) (A 7; S 2) (Staff: J. Holt)</td>
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<td><strong>CENTRAL/SOUTHERN REGION</strong></td>
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<td><strong>C 50</strong> AT&amp;T CORPORATION (APPLICANT): Consider</td>
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application for a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean, near Los Osos, San Luis Obispo County; for a conduit and buried fiber-optic cable. CEQA Consideration: categorical exemption. (PRC 8144.1; RA# 01218) (A 35; S 17) (Staff: L. Pino)

C 51 AT&T CORPORATION (LESSEE): Consider amendment of Lease No. PRC 8204.1, a General Lease - Right-of-Way Use, of sovereign land located in the Pacific Ocean, near Montaña Del Oro State Beach, San Luis Obispo County; to modify the burial depth inspection survey interval for a fiber-optic cable. CEQA Consideration: not a project. (PRC 8204.1; RA# 01118) (A 35; S 17) (Staff: L. Pino)

C 52 CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (LESSEE): Consider amendment of Lease No. PRC 8079.9, a General Lease - Public Agency Use, of sovereign land located on the dry lakebed of Owens Lake, Inyo County; for the installation, use, and maintenance of barn owl boxes, the extended use of sand fences, the re-designation of 353 acres of managed vegetation dust control measures to shallow flooding, the use and maintenance of two previously unauthorized access roads, installation of a flood control system, and the use and maintenance of previously unauthorized gravel cover. CEQA Consideration: Environmental Impact Reports (State Clearinghouse Nos. 2011051068 and 2014071057) certified by the City of Los Angeles Department of Water and Power, an Addendum to the Environmental Impact Reports prepared by Commission staff, and a categorical exemption. (PRC 8079.9; RA# 15117) (A 26; S 8) (Staff: D. Simpkin)

C 53 CITY OF SAN BUENAVENTURA (APPLICANT): Consider application for a General Lease - Public Agency Use, of sovereign land in the Pacific Ocean, near Ventura, Ventura County; for the deposition of dredge material from Ventura Keys, of up to 100,000 cubic yards annually, not to exceed 350,000 cubic yards over the term of the lease. CEQA Consideration: categorical exemption. (PRC 8786.9; RA# 29717) (A 37; S 19) (Staff: K. Connor)
C 54 COUNTY OF SANTA BARBARA (APPLICANT):
Consider application for a General Lease - Public Agency Use, of sovereign land located in the Pacific Ocean, southwest of Sand Point Road, near Carpinteria, Santa Barbara County; for repair, operation and maintenance of an existing rock revetment not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27217) (A 37; S 19) (Staff: G. Kato) 124

C 55 DEL JUNCO CHILDREN'S INVESTMENTS, LLC (LESSEE): Consider revision of rent to Lease No. PRC 3170.1, a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16592 Somerset Lane, Huntington Beach, Orange County; for a boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 3170.1) (A 72; S 34) (Staff: S. Evans)

C 56 EVERINGHAM BROS. BAIT COMPANY INC. (LESSEE): Consider revision of rent to Lease No. PRC 9124.1, a General Lease - Commercial Use, of sovereign land located in the San Diego Bay, San Diego County; for two bait barges. CEQA Consideration: not a project. (PRC 9124.1) (A 78; S 39) (Staff: S. Evans)

C 57 RICHARD A. JOHNSON AND GAIL LYNN JOHNSON, TRUSTEES OF THE R.A. & G.L. JOHNSON TRUST DATED APRIL 4, 2011 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign located in the Main Channel of Huntington Harbour, adjacent to 16792 Coral Cay Lane, Huntington Beach, Orange County; for the removal of an existing boat dock and access ramp not previously authorized by the Commission, and the construction, use, and maintenance of a new boat dock and access ramp. CEQA Consideration: categorical exemption. (W 27018; RA# 26917) (A 72; S 34) (Staff: K. Connor)

C 58 PACIFIC GAS AND ELECTRIC COMPANY (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of sovereign land
crossing the San Joaquin River, near Fresno, Fresno and Madera Counties; for an existing electrical transmission line not previously authorized by the Commission, and the installation, use, and maintenance of a fiber-optic cable. CEQA Consideration: categorical exemptions. (W 27192; RA# 35217) (A 5, 23; S 8, 12) (Staff: D. Simpkin)

C 59 PG MARINA INVESTORS II (APPLICANT): Consider termination of Lease Nos. PRC 3376.1 and PRC 4737.1, General Leases - Commercial Use and an application for a General Lease - Commercial Use, of sovereign land located in the Main Channel of Huntington Harbour, Huntington Beach, Orange County; for a commercial marina. CEQA Consideration: categorical exemption. (W 27122; PRC 3376.1; PRC 4737.1; RA# 30916) (A 72; S 35) (Staff: D. Simpkin)

C 60 ELSIE SUE PIERSON, CO-TRUSTEE OF THE PIERSON FAMILY TRUST, UDT DATED MARCH 25, 2004 (ASSIGNOR); SUNSHINE GROWERS NURSERY INC. (ASSIGNEE): Consider assignment of Lease No. PRC 3166.1, a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 16522 Somerset Lane, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 3166.1; RA# 07218) (A 72; S 34) (Staff: K. Connor)

C 61 MERLE A. SMITH AND ETTA M. SMITH, AS TRUSTEES OF THE MERLE A. SMITH AND ETTA M. SMITH TRUST UTD APRIL 6, 2000 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Midway Channel of Huntington Harbour, adjacent to 3595 Courtside Circle, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck not previously authorized by the Commission. CEQA Consideration: categorical exemption. (W 27000; RA# 04218) (A 72; S 34) (Staff: K. Connor)

C 62 SOUTHERN CALIFORNIA EDISON COMPANY (LESSEE): Consider revision of rent to Lease No. PRC 6704.1, a General Lease - Right-of-Way Use, of sovereign land located in the Kern River, northeast of Bakersfield,
Kern County; for an existing overhead transmission line. CEQA Consideration: not a project. (PRC 6704.1) (A 34; S 16) (Staff: S. Evans)

C 63  MICHAEL R. VAN VOORHIS AND DENISE L. VAN VOORHIS, TRUSTEES OF THE VAN VOORHIS FAMILY TRUST, DATED OCTOBER 31, 2001 (APPLICANT): Consider application for a General Lease - Recreational Use, of sovereign land located in the Midway Channel of Huntington Harbour, adjacent to 16923 Park Avenue, Sunset Beach, Orange County; for an existing boat dock and access ramp. CEQA Consideration: categorical exemption. (PRC 8036.1; RA# 24717) (A 72; S 34) (Staff: K. Connor)

C 64  IDA AGNIFILI ZABY, TRUSTEE OF THE I. AGNIFILI TRUST, DATED APRIL 29, 2008 (ASSIGNOR); FRANK B. DEGELAS AND DONNA L. DEGELAS, AS TRUSTEE(S) OF THE FRANK AND DONNA DEGELAS TRUST ESTABLISHED 2-27-2003 (ASSIGNEE): Consider assignment of Lease No. PRC 7986.1, a General Lease - Recreational Use, of sovereign land located in the Main Channel of Huntington Harbour, adjacent to 3632 Venture Drive, Huntington Beach, Orange County; for an existing boat dock, access ramp, and cantilevered deck. CEQA Consideration: not a project. (PRC 7986.1; RA# 26717) (A 72; S 34) (Staff: K. Connor)

SCHOOL LANDS

C 65  BIDART LIVESTOCK, INC. (APPLICANT): Consider application for a General Lease - Grazing Use, of State-owned lieu land located in a portion of Section 15, Township 31 South, Range 21 East, MDM, south of McKittrick, San Luis Obispo County; for existing cattle grazing, and an access road, drift fence, water pipeline, and water troughs. CEQA Consideration: categorical exemptions. (PRC 5672.2; RA# 00918) (A 17; S 35) (Staff: C. Hudson)

C 66  CALIFORNIA STATE LANDS COMMISSION, BARSTOW SPANISH TRAIL, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (PARTIES): Consider amendment to the Offer to Purchase Real Estate in the County of San Bernardino and Acceptance of Offer to Purchase, to extend the closing date. CEQA Consideration: not a project. (SA
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5772; RA# 24716) (A 33; S 16) (Staff: J. Porter, P. Huber)

C 67 SAN DIEGO GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION (APPLICANT): Consider application for a General Lease - Right-of-Way Use, of State-owned school land located within a portion of Section 36, Township 15 South, Range 3 East, SBM, north of Granite Vista Way, San Diego County; for an existing electrical transmission line previously authorized by the Commission, and an unpaved access road not previously authorized by the Commission. CEQA Consideration: categorical exemption. (PRC 4451.2; RA# 31217) (A 71; S 38) (Staff: J. Porter)

C 68 SOCIETY FOR THE CONSERVATION OF BIGHORN SHEEP (LESSEE): Consider revision of rent to Lease No. PRC 4910.2, a General Lease - Other, of State school land in a portion Section 16, Township 2 South, Range 18 East, SBM, Granite Mountains, Riverside County; for two existing rainwater catchment basin systems. CEQA Consideration: not a project. (PRC 4910.2) (A 56; S 28) (Staff: S. Evans)

MINERAL RESOURCES MANAGEMENT

C 69 CALIFORNIA STATE LANDS COMMISSION (PARTY): Consider approval of qualifying miles for Subventions for Fiscal Year 2018-2019, to the counties of Ventura and Santa Barbara; to the city of Carpinteria located in Santa Barbara county; to the cities of Huntington Beach and Seal Beach located in Orange county; and to the city of Long Beach located in Los Angeles county. CEQA Consideration: not a project. (W 4848.1, W 4848.3, W 4848.4, W 4848.5, W 4848.6, W 4848.8) (A 37, 53, 68, 70, 72, 74; S 19, 24, 33, 34, 37) (Staff: N. Heda, D. Cook)

C 70 CITY OF LONG BEACH (GRANTEE): Consider acceptance of the Final Report and Closing Statement for the Long Beach Unit Annual Plan (July 1, 2017 through June 30, 2018), Long Beach Unit, Wilmington Oil Field, Los Angeles County. CEQA Consideration: not a project. (W 17166) (A 70; S 33, 34) (Staff: E. Tajer)
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MARINE ENVIRONMENTAL PROTECTION - SEE REGULAR ADMINISTRATION - NO ITEMS

LEGAL

C 71 SPANOS CORPORATION AND THE CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider compromise title settlement agreement involving lands within and adjacent to the historic channel of the Petaluma River, city of Petaluma, Sonoma County. CEQA Consideration: statutory exemption. (W 26316) (A 10; S 3) (Staff: J. Garrett, J. Frey)

KAPILOFF LAND BANK TRUST ACQUISITIONS - NO ITEMS

EXTERNAL AFFAIRS

GRANTED LANDS

C 72 CITY OF LONG BEACH (GRANTEE): Review a proposed tideland oil revenue expenditure in an amount not to exceed $5,153,387 by the City of Long Beach for two capital improvement projects located on or adjacent to legislatively granted lands in the off the City of Long Beach, Los Angeles County. CEQA Consideration: not a project. (G 05-03) (A 70; S 33) (Staff: M. Moser)

C 73 THE OFFICE OF COMMUNITY INVESTMENT AND INFRASTRUCTURE (SUCCESSOR AGENCY TO THE SAN FRANCISCO REDEVELOPMENT AGENCY), CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, AND THE CALIFORNIA STATE LANDS COMMISSION (PARTIES): Consider approving a parcel boundary adjustment and a revised facilities plan in connection with the Hunters Point Shipyard/Candlestick Point Title Settlement, Public Trust Exchange, and Boundary Line Agreement. CEQA Consideration: Environmental Impact Report certified by the San Francisco Planning Commission and the Redevelopment Agency Commission, State Clearinghouse No. 2007082168, and Addendum. (AD 557; G 11-00.7) (A 17; S 11) (Staff: R. Boggiano, A. Kershon)

V INFORMATIONAL - SEE REGULAR

J&K COURT REPORTING, LLC  916.476.3171
VI REGULAR CALENDAR 74-78

74 REVELL COASTAL, LLC (INFORMATIONAL): Presentation by the Principal and Chief Coastal Scientist of Revell Coastal, LLC on its collaboration with the City of Imperial Beach to develop an approach to sea level rise planning for the City and describe results of the coastal hazard vulnerabilities and economic impact assessment. CEQA Consideration: not applicable. (A 78, 80; S 39, 40) (Staff: J. Lucchesi) 18

75 CALIFORNIA STATE LANDS COMMISSION: Consider approval of a new environmental justice policy and implementation blueprint. CEQA Consideration: not a project. (A & S: Statewide) (Staff: S. Pemberton) 49

76 CALIFORNIA STATE LANDS COMMISSION: Consider approval of the final Preliminary Assessment Report for the San Diego Ocean Planning Partnership, a pilot project of the State Lands Commission and the Port of San Diego. CEQA Consideration: not a project. (A 78, 80; S 39, 40) (Staff: M. Farnum, J. Mattox) 69

77 CALIFORNIA STATE LANDS COMMISSION: Consider approval of the legislative report titled "2018 Assessment of the Efficacy, Availability, and Environmental Impacts of Ballast Water Treatment Technologies for Use in California Waters." CEQA Consideration: not a project. (W 9777.234, W 9777.290) (A & S: Statewide) (Staff: J. Thompson, N. Dobroski) 113

78 CALIFORNIA STATE LANDS COMMISSION (INFORMATIONAL): Informational report on the Commission's Eminent Domain Authority and the associated legal requirements and process. CEQA Consideration: not applicable. (A & S: Statewide) (Staff: W. Crunk) 16

VII PUBLIC COMMENT 143

VIII COMMISSIONERS' COMMENTS 157
IX  CLOSED SESSION:  AT ANY TIME DURING THE MEETING  THE COMMISSION MAY MEET IN A SESSION CLOSED TO  THE PUBLIC TO CONSIDER THE MATTERS LISTED BELOW  PURSUANT TO GOVERNMENT CODE SECTION 11126, PART  OF THE BAGLEY-KEENE OPEN MEETING ACT:  157

A.  LITIGATION.

The Commission may consider pending and possible  litigation pursuant to the confidentiality of  attorney-client communications and privileges provided  under Government Code section 11126, subdivision (e).

1.  The Commission may consider pending and possible  matters that fall under Government Code section 11126,  subdivision (e)(2)(A), concerning adjudicatory  proceedings before a court, an administrative body  exercising its adjudicatory authority, a hearing  officer, or an arbitrator, to which the Commission is  a party. Such matters currently include the following:

California Coastkeeper Alliance, California Coastal  Protection v. California State Lands Commission

California State Lands Commission v. City and County  of San Francisco

In re: Rincon Island Limited Partnership Chapter 7

In re: Venoco, LLC, Bankruptcy Chapter 11

Madden v. City of Redwood City

Martins Beach 1, LLC and Martins Beach 2, LLC v. Effie  Turnbull-Sanders, et al.

Oakland Bulk and Oversized Terminal, LLC v. City of  Oakland


San Francisco Baykeeper v. California State Lands  Commission
San Joaquin River Exchange Contractors Water Authority v. State of California; State Lands Commission


Sierra Club, et al. v. City of Los Angeles, et al.

SLPR, LLC, et al. v. San Diego Unified Port District, California State Lands Commission


United States v. 1.647 Acres


2. The Commission may consider matters that fall under Government Code section 11126, subdivision (e)(2)(b), under which;

a. A point has been reached where, in the opinion of the Commission, on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the Commission, or

b. Based on existing facts and circumstances, the Commission is meeting only to decide whether a closed session is authorized because of a significant exposure to litigation against the Commission.

3. The Commission may consider matters that fall under Government Code section 11126, subdivision (e)(2)(C), where, based on existing facts and circumstances, the state body has decided to initiate or is deciding whether to initiate litigation.
B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS.

The Commission may consider matters that fall under Government Code section 11126, subdivision (c)(7), under which, prior to the purchase sale, exchange, or lease of real property by or for the Commission, the directions may be given to its negotiators regarding price and terms of payment for the purchase, sale, exchange, or lease. At the time of publication of this Agenda, it is not anticipated that the Commission will discuss any such matters; however, at the time of the scheduled meeting, a discussion of any such matter may be necessary or appropriate.

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PROCEDINGS

CHAIRPERSON YEE: Good afternoon. I will call the meeting of the State Lands Commission to order.

All representatives of the Commission are present. I am State Controller Betty Yee. And I'm joined today by Lieutenant Governor Staff Scientist Sloane Viola, and Jacqueline Wong-Hernandez representing the Department of Finance.

For the benefit of those in the audience, the State Lands Commission manages State property interests in over five million acres of land including mineral interests. The Commission also has responsibility for the prevention of oil spills at marine oil terminals, and offshore oil platforms, and for preventing the introduction of marine invasive species into California's marine waters.

Today, we will hear requests and presentations involving the lands and resources within the Commission's jurisdiction.

We recognize that the lands we manage have been inhabited for thousands of years by California's native people, and takes seriously our trust relationship with these sovereign governments. Today, our gratitude goes to the Kumeyaay people who have inhabited the San Diego area and Baja, California for over 12,000 years, or 600
generations.

Today, we are pleased and honored to have Chairwoman Erica Pinto with Jamul Indian Village here to teach us about her tribe and their history and to give an opening blessing.

Ms. Pinto.

MS. PINTO: Do you have a napkin for this gum? (Laughter.)

MS. PINTO: I have to identify myself for the record. My name is Erica Pinto and I'm the Chairwoman of the Jamul Indian Village of California. We are one of 13 bands of the Kumeyaay Nation located in San Diego County. And as you are well aware, there are 110 federally recognized nations throughout California.

Just like the State Lands Commission, the Kumeyaay people are entrusted in taking care of our lands, all of our tribal lands and our resources. The Kumeyaay Nation is committed to protecting tribal lands and cultural resources, and hopes that the State Land Commission is committed to fulfilling its obligation, as you mentioned, to consult with tribes and to prevent or minimize the impacts to the culture resources.

In addition to direct impacts to tribal cultural resources, the impacts of climate change are already being felt in our tribal communities with respect to gathering
traditional and medicinal plants. I encourage the State Lands Commission to continue to take into consideration the damaging impacts of climate change in our environment as it makes its decisions regarding the lands under its jurisdiction.

Lastly, given our shared interest, I believe there are opportunities, like this one, for communication and increased collaboration, and coordination, and the future that would benefit both tribal and non-tribal communities alike.

Thank you and welcome to Kumeyaay Territory. I wish you a meaningful and productive meeting.

Thank you for having me.

CHAIRPERSON YEE: Thank you very much, Chairwoman.

Next, I want to welcome Port of San Diego Chair Rafael Castellanos. Please come forward. Good afternoon.

MR. CASTELLANOS: Good afternoon, State Controller Yee, Deputy Controller Baker, members of the Commission. My name is Rafael Castellanos. I am the Chairman of the Port of San Diego. I'd like to welcome you to the Port of San Diego. We're here at Wyndham Bayside, one of our 18 hotels on the waterfront.

As you know, the Port of San Diego is a State special district that was created in 1962 to manage the
tidelands around the San Diego Bay. We are very proud of our role and we take it seriously.

With respect to the bay and the ocean, we understand the importance of the economic, recreational, and national security considerations and impacts of those resources.

And that's the reason why my Chairman's theme for the year is "Ocean Optimism". And that's the belief that the bay, the ocean, they are one of our greatest sources of opportunity, not just environmental sustainability opportunity, but also economic and quality of life opportunity.

But it's more than just a catchy slogan. It speaks to the unlimited potential for the development of food, medicine, biofuels energy and many other uses. In fact, the Port of San Diego is so confident, that in 2016 we started a blue economy incubator to foster start-ups in this space. We have already approved agreements and funding for six incubator projects in the areas of copper remediation, technology, smart marina, optimization, seaweed farming, oyster growing, and a marine debris removal technology.

We're pleased to support today's Commission agenda item that calls for the approval of the final preliminary assessment report for the San Diego Ocean
Planning Partnership, a pilot project between the Port of San Diego and the State Lands Commission. We urge that you approve this preliminary assessment report, and that we can continue to work together, the Port of San Diego with the State Lands Commission to continue this extremely important project.

And on separate but related item, the Port of San Diego is working extremely hard with our neighbors in Barrio Logan and National City to make sure that the impacts of our cargo operations do not disproportionately affect those communities.

Environmental justice is woven into each project that the Port of San Diego considers as we seek to find win-win-win outcomes, a win for the community, a win for our tenants, and a win for the Port of San Diego.

And so we are an enthusiastic supporter of the Commission's agenda item that seeks approval of a new Environmental Justice Policy and implementation blueprint, because it's the right thing to do.

In closing, I want to welcome you again to the Port of San Diego. I hope that you have a very good and productive meeting. Port of San Diego staff will be here for the remainder of the meeting to provide comments on Items 74, 75, and 76, which are of direct interest to the Port and the San Diego region.
Thank you very much.

CHAIRPERSON YEE: Thank you, Chair Castellanos. And let me just say a personal thanks to you and your staff for the really robust partnership that the Commission has enjoyed with you and your Port staff. And I think what we're going to be taking up today is really a testament of what these partnerships can mean. And we look at this as just the first step of many more.

Thank you.

Thank you, Commissioners. The next item -- the first item of business will be the adoption of the minutes from the Commission's meeting of October 18th, 2018. May I have a motion to approve the minutes.

ACTING COMMISSIONER WONG-HERNANDEZ: Move approval.

CHAIRPERSON YEE: Okay. Motion by Commissioner Wong-Hernandez.

ACTING COMMISSIONER VIOLA: Second

CHAIRPERSON YEE: Seconded by Commissioner Viola. Without objection, such will be the order.

Next order of business is the Executive Officer's report. And, Ms. Lucchesi, may we have the report.

EXECUTIVE OFFICER LUCCHESI: Yes. Good afternoon. I have a number of things I would like to update the Commission and members of the public on.
First, for parking today, a little house --
housekeeping, for those of you who did park a vehicle in
the hotel parking lot, we do have $10 parking vouchers, so
please be sure to see Alicia or Nate at the front desk for
those vouchers. It's a significant discount from, I
think, the $32 that they're charging.

So next onto the real business. I want to update
the Commission on our geophysical survey regulations. On
November 16th, the Commission started a 45-day public
comment period for regulations to permit geophysical
surveys occurring on Commission managed lands, primarily
offshore. These regulations include operational
requirements for motorboats and other vessels to minimize
the potential for significant environmental impact caused
by survey activity. These regulations are consistent with
authority granted by AB 1274 passed in 2015. And a public
hearing is scheduled to be held in Sacramento on January
4th of next year, which will -- excuse me -- also be the
close of public comment.

Next, I want to update the Commission on our work
at Platform Holly and related infrastructure. As it
relates to Platform Holly and the Ellwood Onshore
Facility, we continue to do a lot of the preparation work
to get us ready for the plugging and abandonment project
that we hope to start in April of next year. As we've
talked about in -- at previous Commission meetings, there
is a lot of preparation work, including updating and, in
some cases, rebuilding portions of the platform and
repairing the EOF, so that it is in a safe condition to be
able to process the oil and gas that will be produced from
the plugging and abandonment work. And so we continue to
work on those efforts, again to be able to start the
actual plugging and abandonment of the 30 wells in April
or May of next year.

The biggest item relating to Platform Holly is
that we are very close to starting work on the plugging
and abandonment of the two surfline lease wells at PRC
421. These are two wells dating back to the 1940s, and
they sit with two cement caissons. One is a water
disposal well and then the other is a production well. We
have been repairing the access road, so that we can get a
rig out there. And we hope to start the actual plugging
and abandonment of those two wells in January of 2019.

We are working closely with DOGGR for the
necessary approvals. And each well should take about 12
to 15 days to complete. We are also closely working with
the Coastal Commission, because we will have to close the
beach while we're conducting work with heavy equipment out
there for health and safety purposes. So we're working
with the Coastal Commission to ensure we have the proper
authorization to close the beach for the couple of days that will be necessary.

Next, an update on Rincon Island. The onshore decommissioning work we're making significant progress on that. We are pleased to update you that we will be completing the surface abandonment of our ninth well. This is out of 25 on the upland location. We, along with our contractor DrilTek and DOGGR, have been working together to ensure these wells are properly abandoned. And the abandonment of the 50 offshore wells at Rincon Island is expected to begin in mid-January 2019.

And in anticipation of this work, staff is currently reviewing logistical plans, the production rig is in the process of being refurbished, and deficient wellheads are being repaired. So we're making pretty significant progress on the Rincon Island decommissioning, and we're very pleased about that.

I was just checking my phone, because my next update is on Hollister Ranch. Our mean high tide line survey is starting today. Our surveyors are supposed to be meeting which -- with the Ranch Association representatives at 1:00 o'clock today to begin that mean high tide line survey work. It is anticipated to take a couple of weeks to complete, and will likely be completed in January, with the caveat that our surveyors are at the
mercy of tides and the weather over the next couple
months.

And then as a public service announcement, it's
my understanding that the Coastal Commission has also
agendized an informational item on Hollister Ranch and the
history of public access at the site for their Friday
portion of the meeting next week.

I also want to update the Commission and the
public on the Tijuana River litigation. The California
State Lands Commission has requested to join in on the
State's litigation to halt the flow of toxic waste and
sewage from the Tijuana River to the Pacific ocean. The
court will consider this request on December 10th.

The almost continuous flow of toxic waste and
sewage into the Tijuana River and Pacific Ocean is a
significant threat to public health, to State Parks, and a
wildlife refuge, and the health and vitality of the
impacted community surrounding the river. There have been
376 sewage spills to date. And that does not account for
the last, I think, couple weeks.

Earlier this year, several public agencies filed
litigation against the United States International
Boundary and Water Commission. And the State Lands
Commission has also filed a motion to intervene. So we'll
continue to keep the public and the Commission updated on
our progress in that effort.

I also want to identify two significant items again from -- to let the public know. For our first meeting in 2019, which is looking to be scheduled in the beginning of February, the Commission will be considering an environmental impact report or the San Onofre Nuclear Generating Station decommissioning units 2 and 3, as well as our annual strategic plan update. So for anybody from the audience or watching through our webcast, I did want to identify that it -- we anticipate to have those two agenda items on our first meeting in 2019.

And then finally, I just want to recognize a couple of people. First, is I'd like to recognize one of our Division Chiefs Rosemary Mulligan, who is retiring at the end of the year. Rosemary, who unfortunately is not here today, started her career with the State in 1980, and has been with the State Lands Commission since 2012.

In her role as Chief of the Information Services Division, she has laid the foundation of the Commission's strategic plan to cultivate operational excellence by integrating technology. Under her guidance, the Commission has made great strides in improving program efficiencies. And some of these accomplishments include: Improving engagement with line programs to identify businesses needs and delivering on those needs;
shifting our computer environment from primarily desktop
to laptop, which has enabled greater in-office mobility as
well as teleworking; changing our old paper based staff
report routing and review process to a SharePoint
platform; establishing -- and this is the one I'm most
excited about -- establishing an enterprise GIS team that
has created multiple map viewers and is actually
foundational to most of the work that we do now; and also
equipping many of our meeting rooms with video
conferencing, upgrading our phone system, providing VPN to
better enable telework staff, and automating our Form 700
filing and personnel timekeeping systems.

All of this is very behind-the-scenes work, but
it has empowered staff to be much more efficient and
mobile, and be able for us to all do our work more
efficiently and effectively. Throughout her long career,
Rosemary has exemplified the meaning of hard work and
dedication. She has been a tremendous asset, not only to
the Commission, but also to the State and the people of
California.

Now, going into retirement, Rosemary plans to get
some well-deserved rest -- she is a self-described
workaholic -- spend more time with her family, and do some
coloring and hiking. And I just want to personally thank
Rosemary for all of her contributions and wish her the
very best in her retirement. This is very -- always a very difficult time for us, because we're so happy for our staff members going into the next phase of their lives of retirement, but selfishly we're sad too, because we hate to lose them.

And lastly, I also want to take this opportunity to thank Lieutenant Governor Gavin Newsom, his chief of staff, Rhys Williams, and his Environmental Scientist Sloane Viola. This is obviously the Lieutenant Governor and his staff's last meeting as a member of the State Lands Commission as the Lieutenant Governor, Now Governor-elect. It has been an absolute honor and pleasure to work with Governor-elect Newsom, and particularly Rhys and Sloane.

Lieutenant Governor Newsom and his team hit the ground running beginning at his first State Lands Commission meeting in 2011 with the public's health and safety as priority. He set the stage to include our Long Beach oil and gas islands in our five-year facility audit program, even though those islands are within the city's direct jurisdiction; from there, this agency went on to adopt its first ever strategic plan in its 80 year history; facilitate and set the framework for the responsible shutdown of Diablo Canyon Nuclear Power Plant in San Luis Obispo County, and the CEMEX sand mining plant
in Marina.

Also, this Commission, through his leadership and his participation facilitated the responsible shutdown of Platform Holly and Rincon Island, once the operators filed for bankruptcy. These are two major offshore oil and gas operations off shore California. He was instrumental in empowering staff in our Environmental Justice Policy, update, workforce planning, public access at the San Joaquin River, Martins Beach, Paradise Cove, and Hollister Ranch. And also his work, and Sloane, and Rhys's work in opposition to the federal government's plans for new drilling in federal waters.

I could go on and on. With the leadership of Lieutenant Governor Newsom, Controller Yee, and the Department of Finance, this has been one of the most complementary and progressive Commissions I've had the honor to work for and I'm grateful for that.

I personally want to thank Lieutenant Governor Newsom, Rhys, and Sloane for demanding that the agency up its game and celebrate the important role this agency plays in protecting public Lands and resources, empowering staff to lean into issues, flex our muscles, and always seek out ways to contribute to the overall goals and vision of California as a leader in public health and safety, environmental protection, and social equity and
environmental justice.

So thank you.

We also have some plaques for Sloane, and Rhys, and the Lieutenant Governor. And I just again want to thank you, Sloane, and Rhys, and Lieutenant Governor for your work on the Commission.

And that concludes my report.

(Applause.)

CHAIRPERSON YEE: Let's go ahead and present the plaque with the -- to Commissioner Viola.

(Thereupon pictures were taken.)

CHAIRPERSON YEE: Thank you, Jennifer, for the Executive Officer's report.

Let me also just add my thanks and appreciation to Lieutenant Governor Newsom for his leadership on this Commission. You know, there are -- the Controller serves on 70 different boards and commissions. This Commission -- a three-member Commission is challenging from the perspective that we don't -- I don't have the opportunity to speak to my colleagues, except in public session. And I just have been so pleasantly surprised coming into these Commission meetings about how compatible our perspectives are, and frankly how we take each -- each of us take our responsibilities seriously with respect to the stewardship responsibility over our public lands.
And so I want to just express my appreciation to Lieutenant Governor Newsom, to Rhys Williams, to Sloane Viola and for the tremendous work that we've been able to get accomplished together. And I know that there will be more to come. So thank you.

Sloane.

ACTING COMMISSIONER VIOLA: Just on behalf of the Lieutenant Governor, we wish to extend so much gratitude for all your kind words and all the great work that we've put -- been able to do over the last -- last few years, and also regrets that he can't be here in person, as well as Rhys. So we're very -- just very at a loss for words too. It's been -- it's been so great.

So thank you.

CHAIRPERSON YEE: Thank you.

Great. Thank you very much, Jennifer.

So the next order of business will be the adoption of the consent calendar. And I believe we have some items that are proposed for removal.

EXECUTIVE OFFICER LUCCHESI: Yes.

CHAIRPERSON YEE: Okay.

EXECUTIVE OFFICER LUCCHESI: Consent items 29, 32, 33, and 52, and regular item 78 are removed from the agenda and will be considered at a later time.

Item 54 will is moved from the consent in the
informational agenda to the regular agenda.

CHAIRPERSON YEE: Great. Commissioners, any other items you wish removed?

Okay. Seeing none. No other items. Is there a motion to adopt the remainder of the consent calendar?

ACTING COMMISSIONER WONG-HERNANDEZ: Move adoption of the remaining items.

CHAIRPERSON YEE: Okay. We have a motion by Commissioner Wong-Hernandez. Seconded by Commissioner Viola.

ACTING COMMISSIONER VIOLA: (Nods head.)

CHAIRPERSON YEE: Without objection, the consent calendar as amended is adopted.

Great. Thank you. And let's see -- actually, I'm sorry. Let me just go back. Are there any members of the audience who -- I don't see any sign ups on -- okay. All right.

EXECUTIVE OFFICER LUCCHESI: We took into account --

CHAIRPERSON YEE: Yes.

EXECUTIVE OFFICER LUCCHESI: -- the public comment slips that were provided to us, and -- in the items that were removed, either completely from the agenda or to the regular agenda.

CHAIRPERSON YEE: Great. Okay. Thank you very
All right. Then our next order of business will be the regular calendar. We will start with Item 74. This is an informational presentation by Revell Coastal LLC on its collaboration with the City of Imperial Beach to develop an approach to sea level rise planning for the City.

Good afternoon. Let me just welcome you, and if you'll state your name for the record and proceed with your presentation.

(Thereupon an overhead presentation was presented as follows.)

DR. REVELL: Sure. My name is David Revell, President and Chief Coastal Scientist with Revell Coastal. I appreciate the opportunity to talk to you today about a project that we started in 2015 and finishing continuing work on with the City of Imperial Beach, the Mayor, the new city council member, public works, Environmental Director also here. Thank you, Jennifer.

So I wanted to just jump into. This is really building on the State's sea level rise guidance and input, and trying to take a scientific approach to informing future policy. And this is very much a work-in-progress, not just in Imperial Beach, but around the state.

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DR. REVELL: Yes, it is.

Okay. There we go.

So I wanted to just highlight a couple things about Imperial Beach. First of all, it is the southwest most city in California, bordering the Mexican border. It is surrounded by water on three sides, the north is San Diego Bay, to the west the mighty Pacific Ocean, and to south the Tijuana River National Estuarine Research Reserve, and also the Tijuana River, which is the source of a lot of toxic sludge that hopefully this Commission can support the City of Imperial Beach, and the Port, and others to try and address.

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DR. REVELL: I also want to highlight that the city also has used a lot of different tactics to deal with coastal erosion and hazards already. The vulnerability assessment we looked at evaluated four different types of coastal hazards: Coastal erosion, coastal wave flooding, tidal inundation, and nuisance flooding exacerbated during high tides.

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DR. REVELL: We used several different models available from the Department of Defense and the U.S. Geological Survey looking at these hazards. If you look in the middle where there's coastal flooding, we evaluated
several different sea level rise scenarios. But two
meters of sea level rise, or about six and a half feet,
was the high one. And you can see that the Tijuana River
National Estuarine Research Reserve starts to connect to
Bay of San Diego through and old river channel.

All this modeling assumed that we didn't do
anything, no adaptation stretch -- steps were taken.

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DR. REVELL: And so part of this process -- and
again, as I mentioned, there's been a lot of damages
historically for major El Niño events primarily.

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DR. REVELL: We looked at multiple sectors within
the community focusing on land use, roads, transportation,
wastewater and stormwater, schools and parks, and
hazardous materials. During the study in 2015, the
highest King tide ever recorded in San Diego poured over
the bike path that surrounds San Diego Bay.

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DR. REVELL: We evaluated all of the parcels and
structures in the city, and found that within two meters
of sea level rise and a 100-year wave event the potential
to inundate or impact 30 percent of all of the parcels in
the city was possible.

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DR. REVELL: These amounted, after converting the assessed parcel information into a fair market value, showed that just the damages to private property alone could reach $169 million by -- with two meters of sea level rise, with the vast majority of that associated to the coastal erosion hazard.

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DR. REVELL: Roads were potentially impacted. Almost 40 percent of all of the roads, including the two major ingress/egress and evacuation routes.

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DR. REVELL: We also looked at the stormwater impacts, assuming that as during high tide. Under existing conditions, only one of the stormwater drainage basins is impacted about less than 20 percent of the time. But with two meters of sea level rise, we can see almost everyone of the drainage basins influenced by almost 100 percent of the time. The city will not drain during a rainfall event at high tide.

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DR. REVELL: So the keys were really that stormwater -- there was going to be a substantial decrease in the future in stormwater capacity. Land use was potentially impacted 30 percent of all the parcels and buildings, 40 percent of all the roads, and identified
four vulnerable neighbors along the South Sea Coast Drive, north of the pier in the Palm Avenue Carnation Neighborhood, the Bayside Elementary School Neighborhood bordering San Diego Bay, and then the Seaside Point bordering the estuary.

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DR. REVELL: But really we were't just looking at what could happen, but what we could do to reduce the risk. And there's a lot of things that can be done. There's projects. We can build something. We can build a wall. We can nourish beaches or we could take policy approaches to try and improve or avoid hazards. And they fall into sort of the standard categories of do nothing, protect in place, accommodate elevating properties or foundations, or retreat.

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DR. REVELL: We had a very rigorous community engagement. And as soon as people started seeing the results of the hazard and vulnerability assessment, they began asking, well, what if? What if we do this or do that? How much does it cost?

The homeowners are asking what's my house going to be worth in 30 years? Communities asking what's my beach going to look like in 30 years? And the politicians are how do we make everybody happy?
(Laughter.)

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DR. REVELL: So throughout this stakeholder process, we identified five strategies to look at in a lot more detail: Continued armoring of the entire shoreline, managed retreat; or phased relocation; or getting out of the way gracefully; business-as-usual sand nourishment, a dynamic cobble and dune development program; or an extension of the north groin and additional groins along with sand nourishment.

And the way we evaluated these was one of the more original innovative concepts applied here, we didn't just take the cost of the adaptation construction and maintenance. We looked at the damages to public property and infrastructure, the damage to private property and assets, but we also included the recreational benefits of beach recreation primarily. We didn't include the surf recreation in this one.

And we started to look at what the ecological value of having dunes and a sandy beach. That proved to be very controversial, not with the community but with what number we were choosing to use for that value.

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DR. REVELL: With any adaptation strategy, there's substantial secondary impacts, construction,
escalating maintenance costs, impacts to ecology, impacts to recreation, changes in views, changes in shoreline esthetics. I think this Commission and others know that seawalls and coastal revetments destroy beaches. There's never been a beach saved by a revetment or a seawall.

And often the views that the homeowners don't want a sand dune in front of are lost when they have to build a high revetment feature anyway.

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DR. REVELL: So we looked at coastal armoring.
And each one of these sort of shows the evolution of the adaptation strategy through time. We divided each one of these into the bar across the top, which we tracked in some physical modeling looking at the changes in widths across the beach. And each one of the -- and then we assigned the recreational value ecosystem value to those widths through time.

What we found when you armor the coast is that the dry sand beaches disappear completely between 2050 and 2075. And only damp sand beaches, those exposed during low tides, would be around from 2035 to 2065.

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DR. REVELL: We see what has happened in the past in Imperial Beach, when there's a loss of sand from the beach following a major erosion event, exposing revetments
and seawalls, and creating really difficult and unsafe lateral and vertical beach access.

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DR. REVELL: We then looked at manage retreat, sort of the opposite in members in the adaptation spectrum, allowing erosion. We looked at several different implementation options. But removing the structure, armoring, and then when properties and structures were damaged to remove them.

The key finding is that we kept the beach, but we lost or damaged development and infrastructure up to three parcels inlet.

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DR. REVELL: Sand nourishment, we found it would be required between nine and 11 times to get us to 2,100 or two meters of sea level rise and maintain a beach width. And the nourishment cycle, which goes from about 15 years today would end up about five years -- every five years having to do it.

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DR. REVELL: This is an example of a 2013 beach nourishment that we sort of modeled it after. You can see the much narrower beach to the south, bottom of the photo, and to the north on Coronado.

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DR. REVELL: Then we looked at this natural hybrid dune taking into account the historic ecology and function of the beach before. This included elements of a beach nourishment, cobble nourishment, removal of the revetments in a dune restoration. We found that we could accommodate two meters of sea level rise with eight reconstruction cycles through 2100.

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DR. REVELL: We looked also at the sand retention with groins completing an original Army Corps of Engineers project with expanded groins. And we found that the sand -- the groins retained the sand much longer. And so we were only looking at potentially six to seven nourishment cycles by 2100.

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DR. REVELL: If you put this all together, you can see the blue is sort of a half a meter, red being one meter, and the green being two meters, the long term, the best net benefit over two meters of sea level rise was managed retreat by quite a bit. The groins seemed to be much more effective over time.

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DR. REVELL: And if we look at that -- you know, and there was some challenges. And I want to go back here. Dunes and nourishment did not show up very well,
because there was a lot of controversy in evaluating beach
ecology. Beaches and dunes provide critical ecosystem
services and function, water quality filtration, a variety
of recreation and storm reduction benefits that is largely
unvalued today, and so -- because it's hard to do.

And so, by default, by not including it in the
calculation, we come up with a value of zero, which we all
know is wrong. The stewardship of these coastal resources
need to include ecological evaluation. And once we do a
better job of doing that and identify some acceptable
numbers and metrics that we can use, restoration and
managed retreat dune, and living shorelines approaches
take up -- may become much more -- make much more sense.

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DR. REVELL: So the adaptation findings found
that the armoring leads to the loss of beach recreation
ecological value.

Where did that one go?

Somebody over there has a button.

The dunes and nourishment really had high
long-term costs. And that's due to increasing costs to
move sand, fuel costs, and shorter construction cycles
over time. But there was more information and analysis
possible. We con -- we haven't considered the use of the
sediment coming down the Tijuana River as a likely natural
source of sediment.

A lot of it was dredged and brought in. And if we better include the ecological values, then I think -- and other recreational uses, I think we're going to see the dunes and nourishment also becomes a little more cost effective through time. But in the short term, armoring and groins are about even, but armoring -- since most of the urban part is already armored, there's no -- the expense to construct has already been realized.

Over the medium term, managed retreat and groins have the similar net benefits. But over the long run, managed retreat had the highest net benefits. And that's consistent with similar work I've been involved with in central and Northern California, especially after we see over one meter of sea level rise.

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DR. REVELL: Now, there's many ways to implement managed retreat. Currently, there haven't been a lot of managed in retreat. And people -- Americans don't really like to retreat. And the idea of an emergency evacuation is not retreat either.

Homeowners are really scared. We had some amazing turnout for public meetings on this throughout. And the first ones were very educational infor -- informative to the community. And as the understanding of
what the options are, homeowners have gotten a little bit more scared and engaged. There's a lot of uncertainty, not only about climate change but about property rights, what we can and can't do.

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DR. REVELL: We did look at a lease buyback program as one form of a policy implementing mechanism that shows a lot of promise. And what we did there was when we -- that with a proper -- we basically said if we were to implement a fee simple acquisition, purchase the properties, we rent them back at a fair rental market value, that we could recover that investment in about 30 years, the same as a mortgage, leaving the public ownership to be able to additionally remove when it became a nuisance or have further decision-making authority over what happens.

Now as interest rates have risen recently, the payback period becomes a bit longer. But there are ways to implement this still to be very cost effective. If we -- if a nonprofit or local jurisdiction, much like the church purchases lands, or the university purchases lands, they're tax exempt. That tax exemption reduces the time in which we realize this investment. We could work with the transfer development rights to offset some of those losses from the homeowners. There could be some public
subsidy through municipal bonds, turn theme into vacation
rentals, and promote more visitor-serving accommodations
along the coast.

There's a lot of options, but it made -- starts
to make sense if we start thinking about those first few
rows of homes.

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DR. REVELL: The lessons have been learned and
we're still learning them about how and moving science
into policy. There's an ongoing stakeholder engagement
that has to be consistent and continuous. We both come
and go. Imperial Beach is really trying to seek ways to
embrace sea level rise and to planning policy obstruction,
whenever possible.

They're in the process of updating the local
coastal program and are finding a real need, at this
point, to really keep the policy simple and open-ended.
Managed retreat is clearly the most cost effective thing
in the long run, but we need further work on this. We
need to standardize the vocabulary. We need to understand
better the economic implications, and we need to identify
triggers or adaptation pathways where we start to move
these things forward.

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DR. REVELL: You know, over time, we need to
identify in these triggers and thresholds a time where we see -- we start, through an observable monitoring network, say it's how many times does Seacoast Drive get wet during storm events? Let's say it's five times a year today and it gets up to 30. At that point, we need to start planning to do something else, considering the lead time that it may take to purchase, acquire, permit, finance, and implement any type of solution.

We're going to do this through time, where some strategies are going to be effective for six inches of sea level rise, some are going to be effective for six feet of sea level rise. And we really need to start thinking about those lead times for different strategies, and the ability to accommodate various elevations of future sea level rise.

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DR. REVELL: So we're working -- the city is starting to work on identifying those triggers, and observable monitoring. It's not just sea level rise elevation, but the rate of sea level raise is also really important to consider. Development of opportunistic sediment management program is crucial to start linking our sand sheds and sediment up -- in the upland sources to the coast, and to the beaches, and into our wetlands.

We need to clean up what's going into those
sediments first before we can really work with that sediment, both trash and pollutants attached to the sediments. Updating hazard mitigation plans is another way to look at what happens when with giant natural disaster eraser comes out? We don't just get back to we will rebuild in the same place and expect a different answer. We need to start pre-visioning what our communities want to look like in the future.

And then we need to link adaptation strategies to economic development projects, creating new opportunities for recreation, ecotourism, things that are going to sustain the community and its natural environment.

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DR. REVELL: And then -- so no city in California can adapt to climate change alone. We need local, State, regional, and national, and international partners. The State though can really help support the local municipalities and counties by providing sort of some blanket or firm guidance on how to do things. I encourage the State, working with other State agencies, to go beyond just guidance.

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DR. REVELL: I've been thinking a lot about how the State Lands Commission can help directly. The first would be the development of an in-lieu fee program, where
for any structures that extend beyond mean high water, that we start charging them rent. That rent can go into supporting future adaptation, coastal resources.

There should be a bond for maintenance and removal of any nuisance armoring structures. I think we need additional facilitation on sediment management, not just sand, but all types of sediment. Sediment is nature's adaptation resource. We need to bring more cobbles to the coast following massive debris flows. We need muds from upper watersheds to reach our wetlands, and we need the sands to get to the beach.

The mean high water is also a controversial issue. Hollister is a great example, Martins Beach has been a good example. That very seasonally. And right now, the boundary surveys are only good for six months. So if we survey it in the spring, and, you know, it gets delayed a couple times, they have to do another one, which is in the fall.

I think it should be a standardized boundary survey that's ideally in the spring, which is when the beaches reach their mid -- minimum sediment levels, and create the high -- most inland location mean high water, most protective of Public Trust resources at the coast.

I think we also have a challenge of what constitutes damage and exposure of tidal inundation proper
-- properties. There is no building official who will show up with a red tag when you start to get routine high tide flooding.

But we need to start clarifying when that becomes an impact, and when that -- to manage expectations in the future of both the public and private sectors.

I think we really need to continue to encourage more innovative adaptation approaches with monitoring, so we can learn the oyster -- living shoreline oyster reef type projects, the sand dune type projects. I think we really need to be a little less risk averse to trying some pilot projects, learning from our mistakes, and then using those to inform the next generation of adaptation strategies.

And finally, I'm going to close with I really hope that the State Lands Commission can really participate actively with the -- on the Tijuana River pollution issue.

So that's all that I had, but I'm happy to be -- well, I have to acknowledge a whole host of other people who have been involved in this.

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DR. REVELL: And happy to take questions.

CHAIRPERSON YEE: Great. Thank you very much for the presentation. Any comments from Commissioners at this
time?

Okay. Let me -- we do have a couple other
speakers. Let me call them up and then I'm going to ask
you to come back. I've got some questions, if we can.

DR. REVELL: Sure.

CHAIRPERSON YEE: I think we have our Mayor of
Imperial Beach, please come forward.

IMPERIAL BEACH MAYOR DEDINA: Thank you very
much. Surge Dedina, Mayor of Imperial Beach. I want to
thank Dr. Revell for that excellent presentation, and the
State Lands Commission for requesting that we consider
this topic

First, thank you for the motion to consider
joint -- or the motion to join the lawsuit against the
International Boundary and Water Commission of the illegal
water. Part of our adaptation strategy in the last slide
that you saw showed the south end of our beach flooded
with water. It doesn't help with -- when 100 million
gallons of sewage polluted water are discharged into the
Tijuana River.

So what happens when you get high tides and big
surf, you get the storm surge pushing in from the ocean,
and then you get the river flowing with up to 100 million
gallons of sewage polluted water. So they're adding more
sewage -- raw sewage is going into the river. It's not
just runoff.

And so then you get -- you know, we're getting more flooding. So that lawsuit is just asking for the International Boundary and Water Commission to put in stormwater infrastructure into the river valley, so we don't have toxic waste, and garbage, and sewage run unabated into the Tijuana estuary and into our ocean, as it is now.

So right now, we have flood flows that are happening not because of the rains. But because there was rain, they opened the sewage plants basically to stop a pump station. And they're discharging up to 30 million gallons a day of raw sewage into the river, so it just keeps flowing. So it can go from 30 million gallons, to 100 million gallons, to 150 million gallons. So that can happen for weeks at a time.

Number two, the City of Imperial Beach, because we have no money -- literally zero. We have no money at all. We're the lowest income coastal beach city in Southern California, 25 percent poverty rate for our residents. Not something I'm proud of. Thirty percent poverty rate for kids. We have no money to implement the strategy. That's why we filed a law against 35 of the world's largest fossil fuel companies in partnership with Richmond, Santa Cruz, San Mateo, and San -- Marin
 counties.

    We would urge the State Lands Commission to talk
to Governor-elect Newsom, as well as the Attorney General
to join Rhode Island in filing a lawsuit against fossil
fuel companies for causing climate change. I think
California obviously is one of the most climate-affected
states or regions in the world. It is going to be facing
what happened in Malibu recently, where the LA Times this
morning talked about over $1.5 billion in losses just from
the recent fires.

    So we need help in addressing these issues. I
think Dr. Revell gave you some excellent suggestions on
policy. But I would argue that the most effective policy
California could do would be to join those -- these
climate lawsuits to make sure that these fossil fuel
companies are paying for the cause -- for the damage
they've caused in cities like IB that literally have no
money to implement this sophisticated strategy that Dr.
Revell has outlined can get some help.

    But in that, I -- and we shouldn't -- small
cities like Imperial Beach shouldn't be implementing a sea
level rise strategy and climate adaptation policy on our
own. We definitely need help. And I think that help on
the guidance on how we frame this and how we communicate
it, frankly I'm being asked to implement policy for 100
No elected official in their right mind can implement policy for 100 years. I mean, we're trying, but it's pretty complicated. And frankly, the way things are goings nationally, and a subset of my community is -- you know communicates -- or is receiving the communication from the White House, as far as they're concerned, managed retreat is communism. It is -- it's going to be slavery and communism. And as far as they're concerned, I'm personally going to be destroying the entire city.

We're not sure how that's going to happen, but that's the way that things are framed nowadays. And I think all have to -- it's kind of funny, but it's actually not. And so whether it's Del Mar, or Imperial Beach, or Malibu, or Long Beach, or L.A., or San Diego, we need to get -- we need to get consistency and some guidance on how we frame this and discuss it, so everybody isn't just making it up, so anyway.

But I want to thank this Commission again for the Tijuana lawsuit -- River lawsuit motion, and then more importantly again for addressing this issue.

Thank you.

CHAIRPERSON YEE: Thank you, Mayor. Do you mind -- I have a couple questions of Mr. Revell --

IMPERIAL BEACH MAYOR DEDINA: Okay.
CHAIRPERSON YEE: -- if you could come back.

So this has been --

IMPERIAL BEACH MAYOR DEDINA: To me or to --

CHAIRPERSON YEE: Actually to both of You. And I appreciate the -- your comments about needing assistance to prepare. Obviously capacity is low for a city like Imperial Beach. But, I mean, I really find this fascinating, because it really needs to start with, you know, obviously the information that you know best about your communities and your city.

But one of the questions I had -- was struck by was, you know, a lot of ideas about how to implement managed retreat. But I don't know that I heard anything about, you know, renters or low-income communities, or disadvantaged communities. And kind of how they're involved, how they're being, you know, kind of regarded and --

IMPERIAL BEACH MAYOR DEDINA: Yeah. Well, it's interesting. Our bay front -- if you look at our bay front, some of our lowest income areas are -- in our bayfront. That area is managed by the Fish and Wildlife Service and the Port of San Diego, which is interesting though. We've done a lot of adaptation work there, but definitely those neighborhoods will be affecting.

And so we're doing some pretty interesting
mitigation and adaptation work with the Port Commission and the City of San Diego. Eight acres of a tidal flat that we turned into salt marshes as mitigation -- through the mitigation bank. And the funds from that mitigation bank will be used to further -- can further fund more adaptation work.

So it's an interesting area, but -- and that's when we -- we tried to talk to the community in this meeting we just had, where 150 angry people were screaming at us. And we've all been in meetings like that. That's the job.

But to really emphasize that our focus is on public infrastructure. And in these neighborhoods we have schools, you know, where most of the live in poverty. So that's really our focus is public infrastructure. And more importantly, our biggest recreational asset for our -- most of our disadvantaged communities is the beach. And so to understand that ultimately our focus are public -- are public infrastructure and public beaches, and that's what we're going to focus on. At the end of the day, we can't protect the homeowners at all. You know, we have to be honest about saying that, and that when we do these adaptation strategies, that's going to be our focus.

CHAIRPERSON YEE: Okay. And then you mentioned
this, but does the city have an infrastructure plan, in
terms of just for your basic infrastructure, roads, and
stormwater facilities, outfalls, that kind of thing, where
this work that you're doing, relative to sea level rise,
is actually being kind of pushed up against it?

IMPERIAL BEACH MAYOR DEDINA: So the question is
if we're doing -- incorporating that into our LCP update?

CHAIRPERSON YEE: Yeah. Does the city have an
infrastructure plan of its own.

IMPERIAL BEACH MAYOR DEDINA: Yeah, well that's
part of the planning process, absolutely.

CHAIRPERSON YEE: Okay.

IMPERIAL BEACH MAYOR DEDINA: Yeah, I mean, it's
pretty daunting. That's why the lawsuit is happening,
because, you know, Dr. Revell outlined these costs. And
we're like -- literally, I mean, the first thing I did
when I got elected four years ago was we had an ambitious
program to pave alleys. A lot of our alleys in our city
weren't paved. So low income folks were living in the
back of alleys.

You know, that's -- that's our focus is literally
painting cross walks on our local formal or State highway.
We're at such a low level of infrastructure anyway, this
burden of sea level rise that we're going to
disproportionately have to pay for, it's not something we
can begin to address.

    And so, you know, politically, I'm trying to
build infrastructure for our low-income kids and make sure
they can ride their bikes to school without getting run
over by a car, and in areas where basically we had little
infrastructure and then -- or safe route to school
infrastructure.

    At the same time, I'm trying to placate folks on
the beach making sure they know that I don't have $4
billion to do managed retreat.

    CHAIRPERSON YEE: Um-hmm.

    IMPERIAL BEACH MAYOR DEDINA: And so that's
the -- I think that's what most of us are facing, right?
The reality of managing a city. And number two, the
reality of then this forecast cost over 100 years.

    CHAIRPERSON YEE: Right. Right. Okay. And then
I'm curious about data. So obviously this takes a lot
of -- a lot into consideration in terms of data that
you've pulled from all different sources?

    IMPERIAL BEACH MAYOR DEDINA: This is the data
guy right here.

    CHAIRPERSON YEE: And I'm -- so the question is
can additional understanding of geomorphological factors
or coastal processes inform adaptation and is that data
there, where do you get it? I mean, that's -- and this is
something that is going to be a question I'll have throughout the State.

DR. REVELL: Yeah, I mean, the monitoring data is always necessary. There's a lot of -- I mean, all models are wrong, some of them are useful. The better the data that we have that can to test whether the models work, how the coast responds to a major storm event, how sediment moves through the system? All of those are questions that still have a lot of uncertainty.

And so continuation of tide stations is a critical component, understanding of beach profiles and how the beach responds to a major storm event, pre- and post-disaster, between spring and fall. Those are data sets we don't really have systematically throughout the State.

CHAIRPERSON YEE: Um-hmm. Okay.

DR. REVELL: And one other data point is we don't record -- we need to develop some standard metrics. How many times does the road get overtopped in a certain place? How much damage is caused during a major storm to those oceanfront property owners? Do we see a change in there, you know, flood insurance rates from the damages?

CHAIRPERSON YEE: All right. Okay. Thank you.

The reason I ask that question is I think throughout this whole process I've got to think that we're
going to be developing an inventory of just where we've
got gaps in data, because, you know, this is, as you say,
some of it's kind of a moving target, some of it's just
not consistent, some of it may not even be readily
available, so -- but I think through your work, to the
extent you can highlight, you know, what some of those
things are, I think that would be very helpful.

I know the Mayor had asked for what would be
helpful going forward. And let me just reiterate that sea
level rise is a priority issue for this Commission, as you
know. We're committing to continue to be involved in the
policy development, as it relates to sea level rise, not
only before this Commission, but certainly with the Ocean
Protection Council and the Coastal Commission.

And you're ahead of the game. Next year, you
know, this Commission will be reviewing the sea level rise
plans being submitted by ports and other jurisdictions.
And, you know, we have budget support to help us conduct a
thorough review. But what I can say is that likely we
will be providing further guidance after just analyzing
what we do get.

And so in answer to your question, Mayor, about,
you know, what you need, just guidance is absolutely
critical. You're going to get more of it, I'm sure of it,
going forward. But, you know, some of the monetary kinds
of things I want to just be mindful of, too, because
obviously capacity is a big issue across different
jurisdictions.

So my last question relates to kind of more
natural coastal habitats that can provide non-monetized
benefits, and why these ecosystem services are so hard to
value. I mean, what's kind of your sense of how we ought
to look at those?

DR. REVELL: It's kind of -- when you think about
endangered species, how much is one salmon worth? Is it
$20 a pound at the grocery store or is it all of the
things that keeps it in shape. It's really hard within --
to identify -- it's really to hard replace ecosystems when
we don't know how they work all the way.

And a lot of the economic tools that we have are
replacement costs. How much does it cost to put more sand
to build a beach back up? That doesn't bring back kelp.
It doesn't bring back the beach invertebrates that filter
water, and eat the kelp, and feed the shorebirds, which in
turn feed.

You know, there's so many linkages. And what
we've relied on that we, say, well, we don't know what the
exact number is. So let's look at a range. You know,
it's not zero. And we do all kinds of calculations, but
we don't have a lot of data on the number or value of each
steps in those food webs.

CHAIRPERSON YEE: Um-hmm.

DR. REVELL: What's the water quality impact of filtering water -- rain water through the beach before it gets to the ocean. Well, that's completely massive when we have 100 million gallons of sewage coming down the river. So it's really hard to value some of these things. And the team that I've worked with to try and do that, and several folks working in the State, every time we put a number out there, we hear it's too high and too low from everybody.

And if we had some guidance of -- you know, so what we've started to do is more a sensitivity, like it's between 10 and 100, and anything over 20 really makes a difference. And to sort of show what results are robust and what aren't.

CHAIRPERSON YEE: Um-hmm.

DR. REVELL: But I think some guidance and some additional research around those pieces would be tremendous.

CHAIRPERSON YEE: Okay. Good. Thank you. Questions, Commissioners? Okay. Thank you. We've got one more speaker on this item.

Oh, I'm sorry, Jennifer.
EXECUTIVE OFFICER LUCCHESI: I was just going to
remind you we have one more speaker.

CHAIRPERSON YEE: Okay. Yeah, I didn't want to
to kind of lose the thought about everything that you and the
Mayor had presented.

We have one other speaker on this item. Mandy
Sackett with Surfrider.

Good afternoon, Mandy.

MS. SACKETT: Hi. Mandy Sackett, Surfrider
Foundation. I wasn't planning on chiming in on this, so
tolerate. It's a little rough. But just was compelled to
speak today. I just wanted to commend -- commend Dr.
Revell -- excuse me, Dr. Revell and Mayor Dedina for their
presentation and comments, and especially the example
setting proactive ways in which Imperial Beach is working
to adapt to climate change.

At Surfrider, we talk about saving the coast all
the time. And when it comes to sea level rise, we are
literally trying to save it. Both Dr. Revell and Mayor
Dedina have provided concrete actions that the States
Lands Commission can take, not just in IB but the State as
a whole. And every study that comes out alerts us to how
far behind we are in planning for climate change
adaptation. And we -- we really do need all the help that
we can get, if we're going to be saving our beaches into
the future.

And we will need our beaches even more than ever in the future, not just for our economy, but as a place for people to go as inland temperatures continue to rise. The future depends on the State's leadership now. And we ask you to request staff summarize the recommendations made and respond to the -- how -- as to how the Commission will engage with them as asked.

And as you can see also by the presentations made here today, local governments do have their work cut out for them. This is -- there is so much uncertainty and misinformation out there about adaptation, especially regarding managed retreat. And I'd just like to implore the Lands Commission to do what they can to support local governments.

We need an outreach campaign to help education -- excuse me -- to help with educating the public about sea level rise and the impacts of coastal armoring. And this will help provide cover for local governments facing significant pushback from beachfront and blufftop homeowners.

And really do hope that this State can start working on creative solutions for logistics and financing for the most cost effective solutions, and going beyond just broad policy guidance.
And finally, given that climate change is forecast to impact the most vulnerable among us, this is a perfect opportunity for the State to put into practice the principles outlined in the new Environmental Justice Policy. And we strongly support you to support such efforts.

Thank you so much.

CHAIRPERSON YEE: Thank you, Mandy, very much. All right. Other questions or comments?

Okay. Ms. Lucchesi, anything?

EXECUTIVE OFFICER LUCCHESI: No.

CHAIRPERSON YEE: Great. Really appreciate the presentation, Mayor and Mr. -- and Dr. Revell. Thank you.

All right. Commissioners, our next item is Item 75. And this is relating to adoption of a new Environmental Justice Policy. And implementation blueprint. And we have a staff presentation.

Good afternoon, Sheri.

(Thereupon an overhead presentation was presented as follows.)

EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF PEMBERTON: Thank you.

I have a PowerPoint, I hope.

Okay. Great.

Thank you. I'll go back.
So I just -- I wanted to just start off by saying how grateful I am for the opportunity to work on this policy development over this past year, and how personally rewarding it's been to me and to our staff. And just before I present the final policy, I also wanted to recognize the team of staff at the Commission who've worked together to do the outreach that is the basis for the policy, and develop the policy, and the implementation blueprint, because it really was a team -- a team effort.

And so just really briefly, Brian Bugsch, Lucien Pino, and Kelly Connor in our Land Management Division. Alexandra Borack, Afifa Awan, and Laura Miller in our Environmental Management and Planning Division. And Jamie Garrett and Emma Kennedy in on our Legal Division, as well as a couple of our past Sea Grant Fellows. So I just want to give them so much credit and thanks for all their work on this over this past year.

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EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF PEMBERTON: So we -- as the staff report and the policy I think shows, that we envision a future where all of Cali -- everyone in California has access to and can enjoy the benefits of public lands and natural resources, and environmental justice communities are not as disadvantaged or disproportionately impacted by pollution and
environmental hazards. And the purpose of our policy is
to advance that vision.

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EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

PEMBERTON: With help from our team and based on the
outreach, we put together 12 core goals that form the
framework for the policy. And those are listed on this --
on this slide. And then we've also built out steps in our
implementation blueprint for how we propose to achieve
those over this past year.

And following the implementation blueprint, we
plan to develop a more detailed plan that will guide our
work as we -- as we move forward.

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EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

PEMBERTON: Over this last year, we've done a lot of
different work to kind of do the framework and foundation
for developing the policy, and also developing
relationships in different communities, and connections
that we hope will sustain implementation of the policy.

We created a listserv of environmental justice
organizations and interested community members. And we've
added to that list after each outreach session. And we've
created an environmental justice website page and a
dedicated email address that we use for comments and other
communications.

We also had several staff internal sessions where we talked about why environmental justice is important, and what it means, and how it relates to our work. We also, as a staff this past year, participated with other agencies in the Government Alliance on Race and Equity centered around developing a racial equity plan and furthering our knowledge and awareness about racial equity. And I think that really complements the work on environmental justice, and together is setting us up for, for we hope, success.

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EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

PEMBERTON: So with our new policy, we have -- what we talk about is a cultural shift at the individual level, management level, and Commission level in all three areas things that we can do as individuals to promote environmental justice and equity, and how we'll -- how we'll do that, and collaborate as we -- as we approach our work.

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EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

PEMBERTON: We've talked a lot about -- or I've talked a lot about outreach. And over this last year, we've tried to get out around the state and go into communities where
people are impacted by pollution or industry, and hear
from people, and hear their ideas. And this is just a
synopsis of some of the core outreach that we've done.
And we're incredibly grateful to everyone who
came out and met with us, and suggested ideas, and talked
about their experiences. And that really, really helped
to, I think, develop a policy that we think is responsive
to concerns from communities.

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EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

PEMBERTON: And this is just an overview of our timeline
and our outreach efforts in the last few years. And as
you can see, our existing policy was adopted back in --
well, maybe as you can't see, but I just wanted to mention
back in 2002 we first developed a policy. But this is
kind of in between. We've done all this outreach and
steps over this past -- over this past year.

We've also produced two draft policies and
circulated those for comments. And then we've reviewed
the comments and updated the policy to incorporate the
feedback. And we think those are reflected in the final
policy.

So looking ahead into 2019, our goals
implementation, developing the implementation plan, and
hopefully obtaining a liaison on environmental justice,
and continuing to do outreach, and build trust, and all of
that work that we've been doing, and we're eager to
continue doing.

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EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

PEMBERTON: Earlier this year, as we set out to develop
our policy, there was a group of eight environmental
justice organizations that formed an environmental justice
working group. And they're kind of tiny on this slide.
But these groups all gave their time, and effort, and
energy to help us, as staff, and as a Commission develop
the best policy that we could. And we're incredibly
grateful full their recommendations as well, and for their
collaboration, and look forward to collaborating with them
as we move forward.

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EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF

PEMBERTON: And just to kind of wrap things up, I wanted
to highlight accountability, because there's a lot of, I
think, great things in the policy, but we really look
forward to like doing the work.

And in our first year, I think this is just a
synopsis of what we hope to do to -- to be accountable, to
look at whether the policy is working, and what we can do
to recalibrate or improve it, so that it works and is
successful.

And those are hopefully creating an EJ liaison position, regular updates to the Commission at meetings -- public meetings, incorporating implementation into our strategic plan, investing in training on environmental justice and social equity for staff, and annual reviewing our staff reports to assess how many, included an environmental justice analysis.

We also hope to continue holding outreach sessions with EJ organizations and tribal nations to assess implementation.

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EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF PEMBERTON: So that concludes my presentation. Happy to answer any questions. Again, we really, I think, as a staff, have a real strong vested interest in the success of the policy and look forward to implementing it.

CHAIRPERSON YEE: Thank you very much, Sheri.

Let me just add my thanks to you, and really the process that you engaged in, the significant outreach, the -- just really taking the time just really has been so important to be sure that we have the perspectives brought to us, and where we can be better informed going forward.

But more importantly, I think it will just add to the collaborative nature in which we will be carrying out
our goals in the strategic plan. So very, very grateful for that.

Thank you.

EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF PEMBERTON: Thank you.

CHAIRPERSON YEE: Comments by Commissioners as well?

Yes, Commissioner Wong-Hernandez.

ACTING COMMISSIONER WONG-HERNANDEZ: Thank you. I'd like to echo Controller Yee's comments and also just mention that I found it particularly helpful the implementation blueprint pieces of it, because I think that they're particularly thoughtful, and really focus on continuing to hold ourselves accountable that this policy, once the policy itself is created, isn't done. That the work continues in every decision point and action going forward, and in a way that's really easy to sort of check back in on. And so I really appreciate the way that that was written too.

EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF PEMBERTON: Thank you.

CHAIRPERSON YEE: Absolutely.

Yes, Commissioner Viola.

ACTING COMMISSIONER VIOLA: We'd also like to extend our gratitude to staff for the diligent work on
this project. I know it's been a long process, but it's been worth it in every way to build these new partnerships, and increase the visibility of the Commission and our work. And so I'm really excited to see how this is going to bring about a big cultural and systemic change for the Commission and our work going forward.

Thank you.

EXTERNAL AFFAIRS AND LEGISLATIVE LIAISON CHIEF PEMBERTON: Thank you.

CHAIRPERSON YEE: Thank you. We have a number of public speakers on this item. Let me call you up maybe two a time. First, Mari Rose Taruc with the Environmental Justice Working Group.

MS. ROSE TARUC: Can we go together?

CHAIRPERSON YEE: Of course, yeah. Why don't you come up together, identify yourselves and -- yes, we would love to have you come up together.

MS. AGUIRRE: Hi. My name is Paloma Aguirre. And I'm the Coastal and Marine Director for WILDCOAST.

MS. ROSE TARUC: Good afternoon. I'm Mari Rose Taruc. I was the coordinator for the Environmental Justice Working Group.

CHAIRPERSON YEE: Thank you.

MR. FAZELI: Bahram Fazeli, Director of Research
and Policy at Communities for a Better Environment.

CHAIRPERSON YEE: Great. Thanks.

MS. AGUIRRE: So WILDCOAST is an international conservation team, as you know, that's based in Imperial Beach that conserves coastal and marine ecosystems and wildlife. And I'm here to thank the Commission for giving WILDCOAST and all of my colleagues the opportunity to have participated throughout this process as part of the Environmental Justice Working Group.

I encourage the Commission to continue to have an open and meaningful engagement with EJ communities, EJ stakeholders and groups, who work to address environmental inequities, much like you've done so far.

I'm especially thankful to the Commission's willingness to engage in the legal actions that you're currently undertaking with Attorney General Becerra to address cross-border pollution impacts to our communities in Imperial Beach in South San Diego. I think this action speaks volumes to the Commission's political will to address some of these issues.

Unfortunately, there's still a lot to be done. As the Commission has the capacity to require from lessees that they clean up trash and sewage fouling our lands and waters that are under your jurisdiction. I encourage you to continue to look at this. I know I've mentioned this
many times before you, but it's a critical issue to us, as you've heard before, especially now in the context of climate change.

I would also like to applaud the Commission for acknowledging the need to support opportunities to empower tribes to protect, restore, and manage their ancestral lands by returning management of certain lands to tribes through less leases.

And finally, I applaud the Commission's willingness to adopt a performance -- performance measures to ensure marginalized, disadvantaged, and tribal communities are benefited. We hope that this will be achieved through this creation of and advisory committee that interacts directly with some of these Commissions -- with some of these communities and the Commissioner, and the creation of interagency land returns and tribal advisory committee as well.

We strongly encourage the Commission to remain, as I mentioned, open and willing to continue this conversation, even beyond as you approve the Environmental Justice Policy.

And I just want to thank you again for your efforts and your leadership on this issue.

CHAIRPERSON YEE: Thank you very much.

Next speaker.
MR. FAZELI: Madam Chair, members of the Commission. My name is Bahram Fazeli. I'm Director of Research and Policy at Communities for a Better Environment, a leading environmental health and justice organization for the past 40 years. For the past year, I have had the opportunity to work with the wonderful group of environmental and social justice advocates as part of the Environmental Justice Working Group. And we have engaged with the State Lands staff around our recommendations.

Additionally, with support from Resources Legacy Fund, we have published a series of cases studies that highlight both the positive experiences and serious challenges you've had with agency and their approach to the interests of low income communities of color.

I strongly urge you to look at those case studies in our recommendations, as it presents a set of best practices that applies, not only to the State Lands, but also to many other agencies across the state that are entrusted by the people of California to protect their health, their communities, and their environments.

I'm very happy to see that staff is proposing a very thoughtful Environmental Justice Policy based on their engagement with us, and other members of environmental justice community. And we are prepared to
work with staff to make sure these proposals transform the
culture of the agency and every aspect of its operation
from the way they analyze cumulative health impacts to the
way they engage with members of native communities, how
aggressively they seek alternatives to fossil fuel
operations, and how proactively they place equity at the
center of every decision they make.

It is extremely important that the agency's
performance be evaluated by an independent external
evaluator annually. And we ask you to support allocation
of these resources for staff, so that every year we can
examine the performance of the agency objectively against
a set of clear metrics, and based on input from EJ
communities.

And again, we -- I congratulate and appreciate
the work of staff on this proposal, and urge your
approval.

Thank you.

CHAIRPERSON YEE: Thank you very much.

MS. ROSE TARUC: Good afternoon.

I also am here to commend the work of the
Commission and the staff on this new Environmental Justice
Policy. I think that the leadership from the
Commissioners, the open stance of the staff, and then the
commitment of the environmental justice groups really like
brought together a nice sweet spot for this new Environmental Justice Policy to be fruitful.

For me, there are three particular implementation suggestions that I -- that I have, and that are opportunities.

It was wonderful to see a stated commitment by the Commission to decarbonize our economy through the phase-down of fossil fuels. And I think even hearing, you know, some of the accomplishments through Governor-elect Newsom, and hearing the -- you know, the decommissioning of oil platforms happen in the last few years, we want to see more of those kinds of industrial cleanup decisions and decarbonization of our -- of our economy, because environmental justice for many decades has been talking about the cleanup of our communities. And it flows really well into our state's plans for -- for -- for climate action.

I think also a note on the decarbonization is that you look for opportunities not just for more affluent coastal communities, but the communities that have been harmed for a long time, that really need the support and the public health actions that are part of what we see as environmental justice, the places where polluting ports are, where gas and nuclear plants are, and where oil terminals are.
That those are communities that have borne the burnt -- borne the impacts of these industries for decades that need your help. So particularly to look at that.

Second is to recognize the original environmental stewards of this land that they are still here, and that even when the first Governor of California called for their extermination, that we're glad that he wasn't successful in that. And that there is still living and thriving native communities in California, and for you to see them as partners in the stewardship of the lands that this Commission holds. And that we -- we -- we're happy to see that there are moves towards that in this new Environmental Justice Policy and the blueprint.

And then third is that for the Commission to -- and the staff to build its new environmental justice muscle, we were trying to figure out how successful we would be in this year-long process around the guidance -- environmental justice guidance we had, as communities of color working primarily with a white staff.

And so I think the timing of the racial equity training that the staff were going through, the openness of their stance, the strong ideas an examples that we brought, that there are solutions -- solutionaries within communities that are of concern that -- in our communities, that there's -- there's such a fruitful place
for these kinds of policies to take -- to take root, and
to take action, and to continue down that path. And so I
know that Sheri also just talked about -- and then just to
close, the staff that were part of this year-long process
with us, I just want to just echo the appreciation to
Jennifer, and Sheri, and Alexandra, Brian, Afifa, Kelly,
Jamie, Emma, Abby, Laura, Lucien, Jennifer, that it was a
joy to work with you all.

And then to the groups in the Environmental
Justice working group from Azul, CAUSE, CBE, CRPE, East
Yards, Leadership Counsel, Sacred Places Institute,
WILDCOAST, and then the Berkeley Environmental Justice
Clinic, that all of these groups that came together to
bring forth this new EJ policy with you was one of the
most successful in my -- processes that I've seen for
Environmental Justice Policy in my 25 years doing this
work. So congratulations and wholeheartedly approve or
support the adoption of the Environmental Justice Policy.

Thank you.

CHAIRPERSON YEE: Thank you very much.
Thank you to the three of you very much.
We have additional speakers on this item. Let me
call up Jason Giffen as well as Mandy Sackett.

MR. GIFFEN: Thank you very much, State
Controller Yee, members of the Commission. Jason Giffen
with the Port of San Diego. First, I'd just like to follow-up on Chairman Castellanos’ welcoming remarks from earlier before. And thank you for your leadership throughout 2018, especially -- and also on this item. I'm very pleased to update you today that the Port is also advancing support of environmental justice, and is alignment with many of the key policy objectives of the Commission.

We always at the Port looking for ways to improve the quality of life for our portside communities. We have a tradition of balancing economic development, community needs, and environmental stewardship as was pointed out by the Chairman a little bit earlier this afternoon.

And specifically, November 1st, we held an environmental justice workshop with the Board of Port Commissioners, where we proposed to include an environmental justice element as a part of our current Port Master Plan update, which staff has presented and given the Commission updates previously.

The Port is one of four ports required to maintain a Port Master Plan update. And I'm proud to say that environmental justice will be a part of our Port Master Plan in the future with a focus on pollution reduction, public health, public access, economic opportunity, and public engagement. Just in closing, I
think this is an example of how State policy can be taken
to the next level, and Implemented locally. So thank you
for your leadership and time.

CHAIRPERSON YEE: Thank you very much, Jason.

Mandy.

MS. SACKETT: Hi. Mandy Sackett, surfrider
foundation. Good afternoon, Chair Yee and Commissioners.
Surfrider recognizes that environmental justice is a
critical part of ensuring effective environmental
protections. We are dedicated to ensuring beach access
for all people, and we encourage our supporters to
actively work towards that goal.

We continue to expand our own understanding of
barriers to coastal access in order to more effectively
fulfill our mission. And to that end, we again commend
your staff for their diligence and commitment on updating
the Commission's Environmental Justice Policy and for
bringing to the table representatives from communities in
the -- that it is most intended to serve.

The success of an Environmental Justice Policy
relies on such outreach, and as well as the daily
integration of the principles and practices outlined
within it. We believe that the Commission's draft
Environmental Justice Policy comprehensively serves as
commitment to the more equitable treatment of people of
all races, cultures, and income in the areas where State Lands has decision-making power.

We're pleased to offer our support for the adoption of this policy. Thank you very much.

CHAIRPERSON YEE: Thank you.

Comments, Commissioners?

Yes, please, Commissioner Viola.

ACTING COMMISSIONER VIOLA: I would just like to give a quick thank you to all the stakeholders that have participated in this process and come to the meetings to speak before us. Environmental Justice Policy update can't happen in a vacuum. We need these partnerships. And so your willingness to come to the table with us and show us what -- you know, what we're missing and what's needed is really valuable. So thank you.

CHAIRPERSON YEE: Thank you.

All right. Jennifer, did you have a comment?

EXECUTIVE OFFICER LUCCHESI: Yeah, if I may --

CHAIRPERSON YEE: Please.

EXECUTIVE OFFICER LUCCHESI: -- just add a couple of remarks. I also want to echo what Commissioner Viola just mentioned, and really express my gratitude for really the hundreds of hours that not only the working group members spent with us and our team, but all of the hundreds of members of communities through our roundtables
that we hosted, the phone calls, the emails, and the
coment letters that were sent.

As Mari Rose alluded to, we -- there was a -- we
had a lot to learn as a staff. And it has been an
incredible evolution in our culture. And we're eternally
grateful for the time that folks spent with us really
sharing their experiences, their knowledge, and allowing
us to learn from them.

And so -- and I think that's what has led us to a
date like today, where there is a lot of positive remarks
about the policy before you, and the implementation
blueprint. But also, as what was stated, there is a lot
more work to be done. And as a staff, we are very
committed to implementing this policy, implementing the
Commission's vision for this policy, and we look forward
to regular updates and being held accountable.

I -- in a recent meeting I had with a tribal
chairwoman, I was reminded -- I mean, this is very -- a
simplistic view, but it really resonated with me that
environmental justice, social equity is about protecting
communities and giving power and voice to those vulnerable
and disproportionately affected communities. And I think
that is at our heart our goal with this policy and
implementation blueprint.

So again, I'm very thankful for your time, and
for everything that we were able to learn over the past year and a half. And we are committed to putting that learning to good use.

CHAIRPERSON YEE: Thank you, Jennifer.
Okay. Commissioners, this item is before us for action. Is there a motion?

ACTING COMMISSIONER VIOLA: Motion.

ACTING COMMISSIONER WONG-HERNANDEZ: Second.

CHAIRPERSON YEE: Okay. Motion by Commissioner Viola to adopt the Environmental Justice Policy, and the implementation blueprint. And I think with that, directing staff to develop the implementation plan, based on the blueprint, seconded by Commissioner Wrong-Hernandez, without objection, that motion carries.

Thank you all very, very much.

(Applause.)

CHAIRPERSON YEE: Thank you.
All right, Commissioners, our next item is Item 76. This relates to the San Diego Ocean Planning Partnership, and approval of the final preliminary assessment report.

And let's go ahead and have the staff presentation.

Good afternoon.

(Thereupon an overhead presentation was
presented as follows.)

SCIENCE POLICY ADVISOR AND TRIBAL LIAISON MATTOX:
Good afternoon. Great. Thank you.
Good afternoon, Chairwoman Yee, Commissioners.
I'm Jennifer Mattox. I'm the Science Policy Advisor and
Tribal Liaison for the State Lands Commission.

And I'm here about almost exactly two years after
we were here in San Diego presenting to you a workplan for
the San Diego Ocean Planning Partnership. And now, today,
I just really feel privileged and excited to present you
with our preliminary assessment report. And this is the
culmination of our first phase of this really innovative
pilot Ocean Planning Partnership.

We are asking that you consider approval of this
report, and our recommendations for the next steps for us
to take in the coming year.

I'll be presenting jointly with Lesley Nishihira
from the Port of San Diego, the director of planning; and
also, of course, Maren Farnum, our project manager here at
the State Lands Commission.

So my role will be just to introduce kind of
where we're at, and how we approached this assessment
phase. And we'll then discuss the findings of the
assessment report, and we'll conclude with an outline of
some potential next steps.
These next steps we feel are driven by and informed by what we've learned through our years plus of public engagement, as well as our data collection.

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SCIENCE POLICY ADVISOR AND TRIBAL LIAISON MATTOX:

One more. So the Public Trust. So our pilot project is centered on an understanding of the Public Trust uses within the offshore space. Both the Commission and the Port are entrusted to manage and balance Public Trust uses, including commerce, navigation, fisheries, recreation, and environmental stewardship on the State's tidelands and submerged lands.

This is for all of the people of California. When the Commission -- when the Commission staff brings lease applications and related management issues before you for your consider -- for your consideration, we strive to bring you the most comprehensive information possible, so that your decision-making is robust and well thought out.

We want to know that we're truly upholding the Public Trust by understanding all the complexities and all the implications of authorizing that use in a particular place at a particular time, compared to other uses or non-uses for those lands under our jurisdiction.

We also want users of this space, who may think
about coming to us before they submit an application, to understand where their efforts might be focused in a more amenable place or time versus a more complex or difficult place or time.

So that's where we get to our purpose of our pilot project, so that we, and our users, can understand the current ocean uses more fully, all the interactions and dynamics among those uses and activities, challenges, potential conflicts, potential opportunities for more robust environmental stewardship, and more effectively plan for this use in the future, which is undeniably going to become more complex, have new challenges, new uses, that we haven't even thought of come online.

We've organized our public engagement around these various Public Trust uses, and our data collection effort, so we've really tried to connect with individuals and groups across the entire spectrum of these five Public Trust uses, so that everybody has some representation.

We've collected as much spatially referenced data as we possibly can across all five of these uses to ensure we're being as comprehensive as possible, and representing the diversity that is necessary uses -- or data collection, I should say, that will continue and stakeholder engagement that will continue.

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SCIENCE POLICY ADVISOR AND TRIBAL LIAISON MATTOX:

So kind of started this all -- like I said, just a few years ago, a couple years ago, October 2016 when we entered into this Memorandum of Agreement with the Port of San Diego for some really, to me, seemed like really clear reasons. You know, as ourselves as the trust manager and land and resource managers, and the Port of San Diego as our grantee of holding in Trust, in lieu of us directly.

This formalized the partnership. And it's -- it was sort of a first time for us to partner with a local trustee that has -- that manages our granted lands on this scale. I want to make sure that we remember that, at that time, we were at the beginning. That was in its infancy. And we were really looking to do something new.

And what that Memorandum of Agreement really wanted to do was provide us that process, a roadmap more than anything else. The rules of playing in the sandbox together, open exchange of information, who would take on what various pieces, and then really memorializing sort of our common purpose and goal, but also leaving a lot of flexibility.

So you'll see through this presentation and through the actual report that you have in front of you, there's a few little crosswalks, mostly in terminology, where, you know, maybe two years ago we called something
one thing. And now, over time, based on, you know, just
the evolution of the science and other networks of ocean
planning, and also stakeholder feedback that we've sort of
changed nomenclature, changed the lexicon a little bit
that -- in a way that we thought was a little bit more
inclusive.

So we really think the MOA is valuable. But at
the same time, we also want to make sure that we keep it
in its perspective of that being sort of the launching
point, the jumping off place that really what's -- what we
use the MOA to go back to is to reaffirm our mutual goals
and our common processes.

So, you know, really what was in there, as just
being committed to an absolutely stakeholder driven
process, robust public engagement, reducing conflicts or
the potential for conflicts, and identifying proactive
opportunities for stewardship, and then also jointly
considering ways to be effective and responsible in the
information we provide to the Commission and for our
decision-making purposes.

So with that, I will hand it over to Ms. Lesley
Nishihira.

MS. NISHIHIRA: Thank you, Jennifer. Good
afternoon, Commissioners. I'm Lesley Nishihira, Director
of Planning for the Port of San Diego.
MS. NISHIHIRA: And as Jennifer mentioned, we have modeled the public engagement effort after the Port's award-winning integrated planning outreach approach for the Port Master Plan update currently underway. We think this approach is beneficial for a few reasons. It provides an opportunity for all interested stakeholders to provide input, and gives the partnership a forum to check whether we are on the right track.

This feedback has helped us create a comprehensive picture as to how this ocean space is being used.

And we've differentiated -- that was a hard one for me today -- public engagement into two parts. The first focused stakeholder engagement, which primarily involved small group or individual stakeholder discussions, where we ask them about their specific uses, interests, and challenges with the ocean space.

These meetings began in the fall of 2017 and were conducted one-on-one, so that the partners could build relationships with stakeholders and invite candid conversations that provided useful information to advance our understanding of how this ocean space is used, challenges that stakeholders had faced, and the benefits they'd like to see from this pilot project.
We met over 90 stakeholders and ocean users, which included San Diego County coastal cities, environmental and community nonprofits, academia, commercial and recreational fishermen, tribal governments, and local, State, and federal agencies, including the U.S. Navy.

And the second type is broader public engagement to connect with communities and community members within the San Diego area.

In October, we held an open house for the public in San Diego at the Port's administration building, where we introduced the pilot to community members and previewed the interactive web mapping application we are developing to display the scientific data we have collected.

We have also sought to informed the public by regularly briefing the Commission and the Board Port of -- Ports Board of Commissioners at our respective public meetings, as well as making presentations at a number of sister agency public meetings, and related ocean and coastal events, such as conferences and symposia.

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MS. NISHIHIRA: In addition to learning through public engagement, we've been collecting data about this ocean space. The goal of this effort was to collect reliable spatial data sets and compile them into a web
mapping application. Through this application, this data, such as habitat locations and recreation spots can be visualized into an interactive, online map to the dynamic -- to reflect the dynamic and interconnected relationship between human uses and the ocean space.

We researched and reviewed publicly available data from numerous sources, and we were also directed to add additional data sets to stakeholders through the public engagement effort.

This data was compiled into the web mapping application, which will be public facing upon its release, and will serve as an informational and interactive tool to visualize this data in one place at one time. The application also serves to facilitate greater communication, collaboration, and coordination amongst the public, ocean users, and resource managers by including important contact information associated with different uses that people may connect with one another directly to address questions and concerns, and learn more about a particular use.

And now I'll turn the presentation over to Maren Farnum with State Lands Commission.

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STAFF ENVIRONMENTAL SCIENTIST FARNUM: Thank you, Lesley. I'm Maren Farnum from the State Lands Commission.
And I'm just going to recap what we've been doing all year.

So we -- as Lesley mentioned, we have regularly provided updates to the Commission and the Port's board to describe our approach and what we've learned through the process. We've also sought additional opportunities to connect with key ocean users, including tribes and native nations.

So in March of this year, we presented both our decision-making bodies an update on our progress with implementing the approach to the assessment phase and initiating stakeholder engagement. In June, we presented what we had learned to date from our stakeholders and data collection efforts. In July, we participated in a very special two-day event, the Strategic Coastal Planning and Organizing for California's Native Nations Summit held here in San Diego Scripps Institution of Oceanography. We'd like to thank the Scripps Institute for providing the venue, and the Sacred Places Institute for Indigenous Peoples, and the West Coast Ocean Tribal Caucus for organizing the event.

We were honored by the attendance of many locally affiliated San Diego tribal members, as well as representatives from tribes in other areas of the California coast. And Chair Yee and Chair Castellanos
were also able to attend that special event, make some remarks, and really listened with a lot of purpose. And I think that really demonstrated the commitment of our leadership to this important learning and engagement opportunity.

In August, we presented the main elements of -- and highlights of the draft preliminary assessment report released shortly after the end of September. The release of the draft was accompanied by a public comment period that extended through the third week in October. Also, in October, we previewed the web mapping application set for release next year, and held a public open house as Lesley said, which as attended by members of the public and many of our stakeholders to provide information about the pilot project and gain that additional feedback and input to inform our work moving forward.

And here we are now today to present this final preliminary assessment report and recommendations for potential next steps.

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STAFF ENVIRONMENTAL SCIENTIST FARNUM: So I'll briefly summarize the preliminary assessment report's elements and findings.

The purpose of this first phase of the San Diego Ocean Planning Partnership, the assessment phase, was to
better understanding the current uses and challenges in
state waters offshore San Diego County. It is important
to be clear that the outcome of this pilot project is not
zoning. We have neither the desire nor the authority to
do that. However, we do want to raise awareness about
ocean uses, understand them better, and involve all who
want to collaborate with us to make informed decisions
about the ocean space that ensure we uphold the Public
Trust.

We included a section about our partnerships
specifically, centered on the concept of collaborative
stewardship. Here, people can learn more about our
respective entities, our authorities, and activities, as
well as our interagency and regional relationships, and
the MOA that Jen mentioned that was signed to memorialize
the partnership in 2016.

In the approach section we've described our
approach and provided the timeline for the assessment
phase, including stakeholder engagement and data
collection.

The fourth section is where we actually present
the assessment, which includes the input from all our
stakeholder meetings and public engagement events. We
recorded every response. We did not alter them, so as to
preserve the integrity of what we heard directly.
Stakeholders told us how they define ocean planning, what their perceptions were of the process, and how they used the ocean space, and those challenges that they face associated with those uses. We organized the responses into categories to help us better understand the different types of uses, experiences, and challenges that people articulated.

We broadly divided the assessment into observations and lessons learned. Some of the main things we learned from the assessment through our stakeholders was that there is indeed a very broad diversity of use within this ocean space.

And some common challenges across uses include, but are not limited to: Changing environmental conditions - we've, of course, heard a lot today about climate change and sea level rise; the need to balance computing uses and evolving regulatory and management processes that can also pose some challenges; continued public engagement and a process for conflict management were repeatedly expressed as desired outcomes for this pilot project.

So the moving forward section describes our recommendations for the next steps of the partnership. And we'll get into more details about that in just the next slide here.
We've got a conclusion that provides a summary, and an appendix which includes the original MOA, the list of questions we asked in our focused stakeholder meetings, our current list of stakeholders, and the data sets we've reviewed for the inclusion into the web mapping application.

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STAFF ENVIRONMENTAL SCIENTIST FARNUM: So the partnership identified some potential next steps for the pilot project, organized by steps that the partners can take together, and some that could be undertaken by the Commission and the Port individually in support of the partnership.

Together, we can continue to do periodic assessments to continuously improve our understanding of the ocean space and its uses as they evolve. We can refine the goals of the partnership based now on what we've learned from public engagement and data collection. As part of these refined goals, we may chose to focus more of our attentions on developing an early engagement framework that could be implemented to proactively address potential conflicts in the ocean space, and avoid or resolve potential issues early on in our own lease application process.

The partners can continue to enhance and improve
our public engagement efforts, particularly as we continue
to develop this web mapping application and as we consider
the early engagement framework.

This is a very important step to maintain the
transparency of this pilot project, which is a
foundational pillar of the partnership.

We can collectively refine and align the
priorities of this pilot project with other local and
State initiatives, such as climate change planning
initiatives, environmental justice policy initiatives.
The Port of San Diego, as the local partner, can continue
its strong commitment, which we're very appreciative of,
to local outreach, facilitating regional coordination and
identifying future partnership opportunities.

The Port can leverage its strong working
relationships with other agencies and groups throughout
the San Diego region to learn from their experience, and
their expertise to ensure stakeholders are fully informed,
and have maximum opportunity to provide feedback.

Finally, the Commission will continue to lead the
development of the web mapping application and will be
responsible for updating and maintaining itself.

So I'd like to conclude by thanking all of the
stakeholders and members of the public who have engaged
with us to make this assessment phase of the San Diego
Ocean Planning Partnership so meaningful and significant. We've heard about this from the Environmental Justice Policy as well. We were also extremely honored by the incredible amount of time that people took to help us learn and to learn with us as well.

People have volunteered in a number of different ways to help us increase our knowledge of this important ocean space offshore San Diego. And their contributions are going to improve the ways that we manage, and ensure the Public Trust for many years to come.

I'd also like to thank the dedicated staffs of the Port of San Diego and the Commission, who have worked tirelessly to develop and implement this approach to the assessment phase, and that was principled and transparent, and allowed us to advance the goals of the partnership.

I'd like to include a thanks to our Sea Grant fellows who have brought their tremendous energy and creativity to this effort. I'd also like to thank Nexus Planning and Research, and one of its Principals, Dennis Larson, for all of his contributions and his team's contributions to this effort.

And finally, I'd like to thank all of you, our Commissioners, and the Port's Board of Commissioners for your forward thinking and proactive leadership, vision, and guidance through this whole process. And we ask you
to consider approving the preliminary assessment report
and some of our recommendations for next steps of the
partnership.

Thank you very much.

CHAIRPERSON YEE: Thank you very much, Maren.
You make it all sound so simple, but we know the amount of
hours and time, and -- but I just wanted to just say
particularly thank you for your leadership, and just
tenacity and diligence for just, you know, working through
this process every step of the way.

We've heard from a lot of different interests. I
know there's still some concerns by some interests, but to
whom I will say I think this particular undertaking really
was meant to bring those concerns to the fore. And we
will continue to be sure that those voices are heard going
forward. I want to thank the -- our partners at the Port,
especially Lesley. Thank you for your leadership there as
well.

These are very, very tough undertakings when so
much is unknown going forward. And yet, when so much of
it can be driven by information data and continuing to
develop data tools going forward, this is what gives me
just a -- just tremendous excitement about what we can do
together in terms of our partnerships going forward.

So thank you very much.
Comments by Commissioners before I open it up to public comment?

Okay. Very well. We have a number of speakers on this item. Let me call you up in pairs, if I may. First, Mike Conroy with Commercial and Recreational Fishing as well as John Law with the San Diego Fishermen's Working Group.

MR. CONROY: Hi. My name is Mike Conroy with West Coast Fisheries Consultants. I work with fishing groups, governmental agencies on fisheries related issues. I was a signatory to a letter, I believe you received, as a joint letter from the Pacific Coast Federation of Fishing Associations, Commercial Fishermen of Santa Barbara, CWPA, the Alliance of Communities for Sustainable Fisheries, and the San Diego Fishermen's Working Group. I had hoped to have my own comment letter submitted, but I just didn't have time, given the lateness of when the documents were sent out.

Just as on a general point of view, I think that what you have now is much better than the draft that was sent out back, I believe it was, in October, but I still think it can be better. That's why to the extent that this report supports conflict resolution and the design of a process and/or a framework to address resolution of conflicts before they happen, and then also a centralized
repository for data that's collected within the project area, and, of course, the no zoning that we see -- saw repeatedly in the proposed final report, everybody that I've talked to is in full support of that.

It's the unknown. There's just too much unknown here. So I think what our ask here today is either delay approving this until your next meeting, but operating under the assumption that that's not very likely, maybe conditionally approve this looking at the goals, approving the two goals, and then kicking it back to get it -- a little bit more clarification, and a little bit more better fleshed out in some of the content in the document.

For example, you know, looking at the time limits of this. The documents came out. I believe they were put up on your website last Friday. I mean, thanks to Maren, we had advanced access to it, so we were able to get some comments together on this. But I think the general public didn't even have any, you know, advanced notice of what was going on today, and couldn't properly offer any comments.

To the transparency issue, I commend Port staff, especially Lesley, Lily, and Jason for having reached out to us, and your staff as well with both Jennifer and Maren for interacting with us, but -- and we're definitely happy with what we've seen, but it hasn't always been this way.
You know, we learned about this project happenstance a year after it started.

So I think with the increased outreach and involvement of the commercial fishing industry, and recreational fishery, and other stakeholders I think this can definitely be improved along the way.

We would also recommend that we need a roadmap. We have a very good idea of where we are today, what's been done to today. But one of the things that gives us greatest concern is we have no idea where this is going. And from a -- you know, a fisherman's standpoint, who uses all of the space in the preliminary project area, we're leery of it. And then when you see that there is data collected that is outside the preliminary project area, it just doesn't -- we're having a hard time connecting the dots and seeing what the end goal is here. And that's why we're -- we're very cognizant, paying very much attention, and very concerned about this.

There's also additional concerns that have been raised in our prior letters and prior comments, potential conflicts of interest with State Lands, with the ports being both stakeholders and partners to this; the vagueness inherent in the Memorandum of Agreement that we think would -- could stand from improvement by amending the MOA; kind of this rush to get this done. I think
this -- it's -- I think we're well on the way to having something that is good, but I think we're really trying to rush it in to get it done in a certain time frame. And I think that -- that could end up causing harm to it, because we're not fully vetting out and fully contemplating things that should also be thought through.

And then the data item. I -- I've -- I was very critical of a lot of the items of data that were reported in the initial report as being either inherently vague, too grand in scope, not detailed enough, not scaled enough, and quite a few of it is just completely outside the project area, which raised concerns as to why is this data being collected and what is the end goal here?

With regards to the Memorandum of Agreement, we pointed out another thing in some of our comment letters, but we feel that it could benefit from being amended, because it incorporates some of the lessons learned. I think Jennifer highlighted that in the two years since this was implemented, you've learned quite a few lessons that could be reflected in amending the MOA.

Also, we have a new National Ocean Policy, the one upon which this -- this -- the MOA is based was revoked and replaced with a new one, and has -- that new National Ocean Policy has different goals and different objectives.
I think with regards to -- it could offer some increased clarity. As I mentioned before, the MOA has a lot of vagueness in it. By amending it, it would help clarify that and help increase the public trust in that. And then also participation of other interested stakeholders and other agencies. You have the Fish and Game Commission, which is responsible for everything above what you have in State waters, and the Department of Fish and Wildlife. They're certainly key stakeholders. And I've been having conversations with them. And they're now aware of this, but they weren't made aware of this until, humbly in my opinion, not till after the fact.

So -- and I think, as Jennifer noted, there could be change in nomenclature that they use in the final report that differs from what the MOA states. I think if we just take time and review the MOA, amend the MOA, get that done, then approve this at roughly the same time, I think that would be -- would be helpful for everybody.

Thanks.

CHAIRPERSON YEE: Thank you very much.

Let me call up the next two speakers together. John Law and Peter Halmay, please.

MR. LAW: Hi. Good afternoon. My name is John Law. I don't have any prepared notes. I was out contributing to the blue economy pulling lobster traps all
day.

I'm a commercial fisherman. I operate out of Mission Bay, which is the next port up the road. And we're not under Port jurisdiction, but we're definitely connected to this. We have fishermen that travel out of Mission Bay come all the way down to Imperial Beach and go all the way up to Del Mar.

My biggest concern is this -- in this is that the commercial fishermen are not only represented, but that we have a seat at the table, that we're a part of the process from the beginning. We heard the representatives from Imperial Beach talking about earlier about the sand replenishment. And that was one of the biggest disasters for us back in 2013, because we had no idea it was coming. It really upset our lobster fishery. It did some long-lasting damage to the coastline where they dredged the sand.

And if we could have been part of that at the very beginning, we could have really changed some things, and it would have been better for everyone involved. So as we go forward with this, we need to be a part of this. We need to be at the table, and we need to be able to convey that we have decades of experience in these waters, and our information is valuable.

Jennifer had a meeting for us. It was wonderful.
We really appreciate that. The -- Lesley and the representatives from the Port have been, you know, very open and just very communicative. It's very, very important that that keeps going as we go forward.

We -- you know, a lot of us consider what we do kind of a legacy thing. I have friends that I'm mentoring. I have a nephew that I'm mentoring. And I want to make sure that as we go forward 20, 30, 40 years from now, when I'm gone, that what I can -- taught them is important and it doesn't get washed under the rug because there's an aquafarm or some other thing in the place where we used to fish.

So really appreciate your time. Thank you.

CHAIRPERSON YEE: Thank you very much.

MR. HALMAY: Controller Yee, Commissioners, my name is Peter Halmay. I'm the President of the San Diego Fishermen's Working Group, an association representing the 110 or so boats in San Diego Bay, and Mission Bay also.

We represent a whole host of different types of fisheries that fish pretty much every space that's open to us in the near ocean.

I'd like to thank you first of all for your staff for listening to us. And we presented lengthy comments on this in writing. And I don't want to go over them, because I've got poor eyesight, and I don't want to go
over what I've heard said.

But let me get to one major point that I'd like to make is the thing that's missing is why did you do this report? What are the foreseeable projects that you're thinking of where you're going to use this? And then if you can think of those projects, how are you going to use this report?

So merely putting down what's there now isn't going to inform you as to what you're doing. So are you trying not to say what the projects are going to be because you know they're going to be confrontational or you really don't know what's going to happen?

So that's a big question to us, because that will tell you what's in the report. And these things -- you have to identify these new -- maybe new uses, which may be incompatible with the present uses. So let's look at them right away very critically. And so I think that part of the report is missing.

And so to echo -- that's my only comment and to echo Mike's thing is maybe -- maybe the report needs some more work. And rushing it to call it final may not be the right thing to do. In our business, the carpenter's say, "Measure twice, cut once".

CHAIRPERSON YEE: Thank you, Mr. Halmay.
Let me take a moment here, if I may, just to
speak about the report. This is a partnership that --
project that I was very involved in when I began on the
Commission. And it wasn't driven by any motivation,
except just to get anyone who had an interest in our ocean
resources together. And, you know, in recognition of the
fact that going forward we likely will have new ocean
uses, we likely will have challenges to our ocean and our
ability to protect the resources of the ocean, and all
resources attendant to it.

And just felt very strongly that we --
particularly in this region in San Diego, we had all of
the interests that could come together to begin to talk
about your particular interest and relationship with our
ocean resources, but this was not going to be about, as
many have speculated, permit streamlining or zoning. I
know we keep saying it, but it has nothing to do with
that.

The fact of the matter is the ocean is changing.
And I know that we're not the only State organization that
has a touch with respect to ocean policy. And so I'm
going to recommend that the next step with this
preliminary assessment report be that we share it with our
sister agencies. Because as our fishermen interests have
talked about this afternoon, whether it's Fish and Game or
some of the other sister agencies, your involvement with
the State is likely with some of those other entities.

But the idea of bringing these interests together, so that when we have -- whether it's new national policy, whether it's new -- just uses that we have, we have a process in place where we can get the interests together and understand already, you know, kind of what your relationship with our ocean resources is today. And to then have our sister agencies also look at this preliminary assessment report to add their voices, in terms of additional data, additional considerations that need to be made when we know that what is happening to our ocean continues to change, whether it be sea level rise, whether it be climate change, ocean acidification, resulting thereof, is -- you know, these are all real issue right now for our ocean.

And the idea that we're just going to sit by until we have a catastrophe, or sit by until we have a disaster to bring everybody together just is unacceptable. We have all of the resources right here in the San Diego region.

And so to your point, Mr. Halmay, what -- why did we do this report? There is a lot of unknown. But we did it because we wanted to be smart about knowing that we have a lot of valuable information in our hands right now. We want to be sure that we capture that and continue to
build on that for when we have to make policy decisions
around how we're going to adapt to either new ocean
conditions or certainly new ocean -- new uses of our ocean
resources.

So that -- and I know it's an uncomfortable place
to be, because we're not telling you what's happening to
your industry. And I will say from my perspective,
there's no limitation on what you're doing in terms of
commercial and recreational fishing in this document. I'm
not -- and we are going to share it with, as I said, our
sister agencies. And those conversations can be also ones
in which you can participate in. We want to continue to
have your participation as we continue to build out our
data tools, but we're in this together.

I mean, I think we're all doing this, because we
have a healthy respect and appreciation for our ocean
resources. We want to be sure that we're in the best
position possible to protect them, and also those who
depend on it for livelihood can also rely on that as well.

So I just wanted to put that out there, because I
have to just say, there's nothing kind of untoward about
this report. And I get a little offensive when that is
put forth, because a lot of work has been put into
listening to a lot of this all -- almost all of the
stakeholders kind of have, you know, some touch to the
ocean resources in region.

So and I'll talk about next steps in a minute. And I'm sure -- and Lesley if you have anything to offer with respect to the ports, thoughts about next steps. But I feel very strongly to the extent that we have a memorandum of agreement with our sister agencies as it relates to how we're going to continue to provide stewardship of our ocean resources, that they also will need to be a part of this preliminary assessment as well.

Other comments, Commissioners?

Okay. Let me call up the rest of the speakers on this item. Wayne Kotow, Matt O'Malley are you here? Please.

MR. KOTOW: Good afternoon, Chair Yee and Commissioners, and staff. My name is Wayne Kotow. I'm with the Coastal Conservation Association of California. We represent the salt water recreational anglers. I'm also a part of the Board of the San Diego County Wildlife Federation, which represents the recreational and responsible hunters and recreational fisherman. And I'm on the San Diego Port Harbor Safety Committee.

We applaud and reiterate exactly what you just said. We thank you for allowing us to be at the table, having the conversation, being part of the solution, and what we're going to do going forward with our resources.
Our resources are precious to us.

There's going to be a lot of controversy going forward how we use them, but at least we're allowed to talk about it, discuss it, and try to come up with solutions for all of us. And that's one thing that we applaud. We want to be part of that conversation.

Recreational angling has a lot of stakeholders as well as the commercial fishing community. We know that there's going to be a lot of controversy when it comes to those conversations. But we all believe that we have a right and an ability to use those resources, but we also want to be responsible to make sure that the resources are available for all of us in the future.

Okay. We -- we understand that there's going to be this need to invest in what we do going forward with these resources. We understand that there's going to be these conflicts of aquaculture and other environmental savings of areas, like our MPAs that we have out here now.

Well -- while the recreational community had a big fight along with the commercial industry with it, we understand why. We may not always agree on how, but we understand that there was a need.

And one of those needs is exactly what you guys brought up in here today about what's going on with the Tijuana sewage spill. There's an MPA sitting right there
on the border that's being environmentally polluted, and
nobody did anything about it for years. The environmental
groups fought for these areas to protect, and they didn't
even get up and fight for that area at the time when all
this has been going down.

It was the fishing community that stood up in
front of the Fish and Game Commission and called them out
for it, and said why are we not fighting for those lands
that you guys wanted to protect so hard?

We're conservationists. That's part of our name.
We believe in the sustainability of our sport, our
resource, and all of the areas that are out there. So
this is for all of us.

And to be a part of the conversation is important
to us, because we're here to protect and conserve the
resources, but also allow access to all of us. And that's
what -- we can't do that, unless we're part of the
conversation. So I applaud it and I agree with this
preliminary assessment, as long as we're still at the
table talking about the finer points that we all have
disagreement with. It could be the portal. It could be
the data input. There's areas that we don't always agree
with, but at least we want to be part of the conversation
to say can we help fix it?

So thank you.
CHAIRPERSON YEE: Thank you very much.

Matt O'Malley.

MR. O'MALLEY: Good afternoon. Good afternoon, Chair Yee and Commissioners. Matt O'Malley from San Diego Coastkeeper.

For those of you who don't know, Coastkeeper, for the better part of 23 years, we've been pretty actively engaged in not only tracking, but also influencing coastal and resource management in the area up and down the coast, but particularly us here in San Diego. We also actually serve on the Port's Environmental Advisory Committee. And you'd think we'd be pretty much tuned in with what the Port is doing.

But I've got to say based on that 23-year history and honestly some of the newer proposals that are coming out for industrialization off our coast and cleaning, the aquaculture project that you've heard. You know, we have remained quite skeptical of the ocean planning process and this report as well.

But two years ago still, we stood in front of you - I think it was October of two years ago - with an open mind and commented that we think really for this to work it really truly will take robust, transparent, constant engagement of the community.

Despite that however -- and I've actually also
said that to SLC staff and Port staff who we are closer
to. But despite that, really the extent of the outreach
that Coastkeeper received over the last two years was an
invitation for one meeting that lasted 20 or 30 minutes.
I spoke to our colleagues at Surfrider. I think they got
the same sort of invitation. And that was it.

I was actually quite surprised when the draft
came out, because I thought, ooh, where did this come
from? I didn't see this coming. I understand there was a
lot more outreach to other stakeholders. And to some
extent, I actually share some of their concerns.

But I would say because of that lack of outreach,
we actually -- our skepticism, and sort of concerns are
heightened now, because of this. And I appreciate, Chair
Yee, your comments about the intent of this, because this
actually helps me, to some extent, understand what the
driving force behind this, because this is one of the most
nebulous documents I have ever looked at.

I am not really sure -- to echo the comments, I'm
not really sure where you guys were going with this,
including the Port. And so this meeting has been helpful.
But this is actually -- probably this three minutes is
among the most input that I've had and Coastkeeper has had
in this process.

And so to the extent -- to that extent, I
think -- I don't have much to say about the report. I've read it. I've read all of the other documents supporting it as well. You know, I think there's some good and bad. I think to the extent that you're seeking feedback for what the future of the project is, I think the mapping tool could be quite helpful. And I think that's something we could support, if it is updated over time, if it has true stakeholder input and feedback over time.

But I do want to express our disappointment with the level of engagement. And it could be that acknowledging that this type of undertaking is massive. If you truly want to get all the stakeholders around the table and really figure put what -- how -- what you want to do with the coastal area, it perhaps might be beyond the capacity of the agencies as currently funded, and sort of where those reserves put in to really pull in all the stakeholders and figure out where we need to go.

So I just want to put that out there again. I don't -- we -- I'm not going to say we either support or don't this, but it was more the process that lead to this that we wanted to comment on.

So appreciate your time today. Thank you.

CHAIRPERSON YEE: Thank you. Thank you very much, Matt.

Comments, Commissioners?
Okay. Let me -- Lesley, do you have any other insights with respect to the Port and kind of steps -- next steps?

MS. NISHIHIRA: Thank you, Chair Yee. The Port is very committed to public outreach, seeking input for processes such as these. This is, as noted today, really the very first tiny step in a journey on this whole effort.

CHAIRPERSON YEE: Um-hmm.

MS. NISHIHIRA: So I -- I can assure you that there will be ongoing conversations and dialogue with all of the stakeholders, and not just those that you've heard from today.

And there are a number of initiatives and efforts that the port is working on that we do have conversations with these stakeholders about. So in context of any of those other conversations, we'll be sure to pass along any updates, direction that we're receiving from our leaders, or anything that's of noteworthy value in context of the ocean planning effort. So that is something the Port can commit to do.

CHAIRPERSON YEE: Okay. All right. Very well. Jennifer, any thoughts?

EXECUTIVE OFFICER LUCCHESI: Yeah, I just -- I wanted to call on either Jennifer or Maren to come up and
talk a little bit about the outreach effort. I think that that's important to lay out what was involved in the outreach.

With that said, I think the comment about being properly funded and resourced is an important concept associated with this. I mean, it's important to note that the Port and State Lands Commission staff conducted this effort all within our own budget without outside funds coming into it. But with that said, I can attest our outreach effort was pretty robust, given the staffing levels that we had.

So with that, I'll turn it over to Jennifer and Maren to talk through that. And I -- real quick, I -- with that said, between all of our stakeholders from the fishing community, to commercial users, to the environmental community, to our sister State agencies, for a number of different reasons, we are all working at beyond capacity right now.

So I also want to acknowledge that a lot of our stakeholders are dealing with a lot of issues as well. So I understand having to deal with your own limitations on capacity and being able to contribute to efforts like this is -- can be limiting. And so we had hoped to hit that sweet spot, where our outreach efforts matched up with capacity at various stakeholders. And maybe we might have
missed the mark a little bit on that. So with that said,
I'll turn it over to Jennifer and Maren.

SCIENCE POLICY ADVISOR AND TRIBAL LIAISON MATTOX:

Thanks, Jen. And I -- if I can just kind of tee
up Maren a little bit in terms of management of our, you
know, sort of acquisition, growth, and -- of our outreach,
our list, everything like that, is, yeah, you're
absolutely right. We're working within the capacity that
we have on staff. We didn't hire a consulting, anything
like that, but we had a really, I would say, robust and
ambitious vision of what we wanted to do to be inclusive
and to be fully transparent.

So in terms of what is the purpose of the report,
what it does is really, from my perspective, if I --
you'll indulge me for that moment is it is what lays out
in their own words what people had to say. You know, what
works for you when you're using the ocean? What doesn't
work for you? What is upsetting to you? What works well?
What doesn't work? What do you want to see? And we --
what is your Perception of ocean planning or marine
spatial planning?

So just documentation shows -- to me is a really
critical piece, and I think to all of us, and to Chair
Yee, is a really important piece of that accountability.
Did you go do the work? Did you listen? Did you -- are
you showing what is the most common challenge? What is --
maybe we thought something would be a big deal, but nobody
thought -- else thought it was a big deal. That helps us
learn, so that we can focus on what's important to our
stakeholders rather than some false perception of what we
thought was important.

And then on -- you know, on the -- on the hidden
or nefarious hidden motive, I would just -- I echo, Chair
Yee, what you said. And coming from a 25-year of land --
landslide large scale landscape level conservation planning
and CCP work. You know, that's really limiting because
you have people who have bought a giant piece of property
and they want to build a city on it.

And then you're grappling it. And the construct
there is conflict. They own it, they have a right to
develop it. Now, you're trying to protect endangered
species or some other thing.

The ocean spaces, that public space, there's so
much more opportunity there. And to look at this effort
rather than being zoning, or industrialization, or taking
things away, my heart's desire is a shifted paradigm where
we help people see where something might be really hard
and where something might be a little easier, and -- and
work within that space, so that we're not all the way down
the road, and people are invested, and people are
entrenched. And it's just conflict. It's -- that conflict is baked into the cake.

And so hopefully this tool, I think, will help people have the information from the beginning, rather than us just being reactive to an application, and then we're just in that reactive mode and there's conflict built into that process that I'm hoping this will, I think -- and I wonder if that will help with some of that question earlier. That's why we try to reach out to so many folks.

But I think Maren can talk more about our listserve, our website, and our email.

STAFF ENVIRONMENTAL SCIENTIST FARNUM: Yeah, I'll just review the approach real quick, too, for everyone to learn more about it. You know, there was certainly a lot of ways we could have done this. We could have kind of done an outreach approach that sort of categorized people into groups, either by public trust use area or, you know, their affiliation either as a government agency or an environmental group, or whatever they were connected to, and kind of done larger group meetings, and maybe had the ability to hold those sort of more often and frequently.

But the way that we chose to go we thought would really be beneficial, so that we could hold these individual one-on-one conversations with interested
stakeholders, all those that we could think of that
touched on these five different Public Trust use areas,
touched on all these different affiliations that we wanted
to understand their needs and uses, so government
regulatory agencies at the federal, State, local, and
regional level, folks who were really interested in
recreational uses, folks that were from the environmental
and conservation non-governmental organization community,
folks from all across the spectrum of the fishing
community, the military, and our national defense partners
here, which are so important, tribal and native nations,
so all these different disparate groups.

And we really wanted to begin to build
relationships with folks by these one-on-one
conversations. Also, so that folks could feel that they
had the space and ability to be candid in their responses
to our questions, and not have to be thinking about how
their response, you know, may be taken by one of their
fellow stakeholders as they all sat in the same room
together.

So that's why we asked everyone a very
standardized list of questions as well. And then chose in
the report not to necessarily tie each response to who
gave it, because we didn't want to again erode any trust
that we'd work so hard to build, but we wanted to make
sure that we did record and display every single answer, and not sort of prioritize or elevate certain types of responses over another.

The idea was to get the lay of the land or the lay of sea, as it were, and to really offer an objective assessment just to represent all these different conversations that we'd had.

We did then have some additional larger group meetings, because that was actually from the stakeholder's perspective, the most effective and best use of their time. So that's what you saw with the summit that we participated in in July with tribal groups and native nations here in this area.

I will say though I really appreciate all of these comments that we've heard today, because one of our foremost commitments throughout this whole pilot project is a commitment to being flexible and responsive to the needs of our stakeholders, learning. And we think there's a lot we can do to improve and enhance our public engagement going forward.

Hearing from folks directly is really what it's all about and really what helps teach us new and different ways to think about things moving forward, and how we can improve the process.

So that's just some information I can provide on
how we developed our approach. Happy to answer any other
questions about other parts of the engagement or other
opportunities that we might seek in the future.

CHAIRPERSON YEE: Okay. Great. Thank you.
Commissioner Wong-Hernandez?

ACTING COMMISSIONER WONG-HERNANDEZ: Thank you.
Thank you all for the information. And, of course, you
know, I was not here in the beginning when this process
started, but I wanted to say sort of generally that I
think developing a document that provides a better
understanding of the ocean spaces is helpful to me as a
Commissioner. I think that this document will be really
helpful to policymakers and staff and the public, and that
they're -- you know, to -- to Controller Yee's point, I
think that actually more documents that are not
contextualizing things as background to a specific
decision point are really helpful.

Like, I think that this is just a good -- that
when you're not trying to lead policymakers and the public
to a specific place, that you're just let's set the
context now, so that we have some sort of foundation that
in the future as -- as these issues continue to evolve, we
at least all have some baseline knowledge. I just think
there should be more of them in the world.

And so I appreciate everyone's efforts on that.
And I did hear the public comment about input. And I think that you all have taken that to heart. And I think that, you know, this staff is good a continuing to engage and to think about how to do our process better every dime. So thank you all for that.

CHAIRPERSON YEE: Thank you, Commissioner.

All right. Thank you, Maren, very much.

You know, a major undertaking within existing resources. A little amorphous for some. So very challenging, but I will just say that this process is not over with the action by this Commission today, that this will continue. And certainly from my perspective on the State side, we have, as I said, many partners that will -- that we will be sharing this document with, particularly the Ocean Protection Council, and really trying to encourage them to do -- undertake and early engagement framework as well.

You know, we know that, you know, there's a lot of -- there's a lot more elevated public discussion about the growth of the blue ocean economy. But I think all of us are committed here that what that needs to rest on is the foundation of a healthy environment. And that's really what we were trying to do was to just all of you, whether, you know, you're on the commercial side of this, whether you're on the stewardship side of this, whether
you're on the conservation side of it, all of this is
going to inform, you know, how we make good decisions
going forward around our ocean resources going forward.

So let me -- with that, I'd like to just offer a
motion. And in recognition of the feedback that we've
gotten this afternoon, thank you all for speaking publicly
about this item. I encourage you to continue to do so.
And it probably will be actually more comfortable going
forward, as you're before your -- some of our sister
agencies that you are engaging with on a more regular
basis.

But I'd like to move that we adopt the
preliminary assessment report and direct staff to engage
collaboratively with our other sister coastal and resource
regulatory agencies, and as I said, particularly with the
Ocean Protection Council on developing an early engagement
framework. And we look forward to just continuing to
build this, and -- so that when policies actually do
emerge, whether it be legislative, State level, federal
level that we are at the ready to inform those decisions.

And that really was my sole purpose of supporting
this project. And I think the more input we get, the
better. And as I said, that process has not stopped with
our action here today.

So with that, I will offer that motion. Is there
a second?

ACTING COMMISSIONER WONG-HERNANDEZ: Second.

CHAIRPERSON YEE: Second by Commissioner Wong-Hernandez.

Further discussion?

Yes, Commissioner -- oh, okay. All right. Very good. So hearing no other discussion by the Commissioners.

Without objection, that motion carries.

Thank you very much.

And I think for Maren and Jennifer, Lesley, if you'll just kind of take note of the speakers who spoke today. I want to be sure that going forward that we have a better way of just looping them in. But certainly, I think by virtue of there being here, their perspectives are now on public record.

So thank you.

All right, Commissioners. Shall we take a five minute break? Does that sound good?

Okay. Why don't we -- about a 10 minute break. We will recess for 10 minutes.

(Off record: 3:28 p.m.)

(Thereupon a recess was taken.)

(On record: 3:44 p.m.)

CHAIRPERSON YEE: Let us reconvene the
Commission. We are on Item 77. And this is the Legislative Report, "2018 Assessment of the Efficacy, Availability, and Environmental Impacts of Ballast Water Treatment Technologies for Use in California Waters". And we have a presentation.

Good afternoon.

SENIOR ENVIRONMENTAL SCIENTIST THOMPSON: All right. There it is.

Good afternoon, Madam Chair and Commissioners.

My name is Jonathan Thompson. I'm a Senior Environmental Scientist with the Marine Invasive Species Program within the Commission's Marine Environmental Protection Division.

I'm here today to present for your approval a report for the California Legislature assessing the efficacy, availability, and environmental impacts of ballast water treatment technologies for use in California waters.

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SENIOR ENVIRONMENTAL SCIENTIST THOMPSON: This report is mandated as part of the Marine Invasive Species Program's Nonindigenous Species Prevention Program. Nonindigenous species are organisms that are transported by humans to regions where they have not historically occurred.

Once established, nonindigenous species can cause
serious impacts to the economy, to human health, and to the environment where they have been introduced.

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SENIOR ENVIRONMENTAL SCIENTIST THOMPSON: In 2006, the California Legislature established interim and final standards for the allowable concentration of living organisms in discharged ballast water. The interim California performance standards are scheduled to be implemented on January 1, 2020. Prior to implementing the performance standards, the Commission is required to submit a report to the legislature assessing the availability of technologies to enable vessels to meet California’s performance standards. This report satisfies this requirement.

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SENIOR ENVIRONMENTAL SCIENTIST THOMPSON: Staff found that there are no ballast water treatment technologies available for vessels to meet the interim California performance standards. Staff reviewed data on 15 shipboard treatment systems, and no system demonstrated the capability to meet all the interim California performance standards.

Staff also reviewed the combined approach of ballast water exchange plus ballast water treatment, which is being implemented in the Great Lakes and Oregon. At
this time, exchange plus treatment cannot be considered available due to insufficient data on its capability from meeting the interim California performance standards.

Finally, shore-based ballast water reception and treatment facilities that are specifically designed to receive ballast water, and remove or kill nonindigenous species in that ballast water are currently not available in California or anywhere else in the U.S.

The Commission funded a study to assess the feasibility of shore-based treatment to enable vessels to meet California performance standards. Staff presented the final study to the Commission in June as an informational item.

While shore-based facilities have the potential to meet California's performance standards, the report estimated that it will take nine years to implement statewide. Therefore, this option is not feasible at this time.

Additionally, assessing treatment technology capabilities continues to be challenging, because there are no suitable methods to analyze ballast water samples to levels equal to three of the interim California performance standards.

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SENIOR ENVIRONMENTAL SCIENTIST THOMPSON: Staff
believes the following recommendations to the Legislature are the most practical and expedient steps towards protecting California from the impacts of nonindigenous species that are moved within ballast water.

Recommends one takes advantage of the discharge standards already implemented by the U.S. Coast Guard. This includes a requirement that vessels that discharge ballast water in the U.S. waters must use a U.S. Coast Guard -- a U.S. Coast Guard approved ballast water management system.

Recommendation two: Staff plan on using existing rulemaking authority to require discharging vessels to exchange ballast water, in addition to meeting the U.S. Coast Guard discharge standards. Based on available research, the combined -- the combination of ballast water exchange plus treatment will likely achieve higher levels of protection for State waters than through treatment alone. Staff will address stakeholder concerns about the feasibility and safety of this approach during the rulemaking process.

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SENIOR ENVIRONMENTAL SCIENTIST THOMPSON: Staff are recommending that the Legislature authorize the Commission to sample ballast water and biofouling for research purposes. Currently, the Commission is only
authorized to sample ballast water to assess compliance
with the Marine Invasive Species Act, and not for research
purposes. This gap in authority limits the ability of the
Commission to collect valuable information about shipboard
ballast water treatment system performance.

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SENIOR ENVIRONMENTAL SCIENTIST THOMPSON:
Recommendations four, five, and six work together
and would require the Commission to produce a new report
to the Legislature by July 1, 2025. This report will
reevaluate California's performance standards. The report
to the Legislature would include recommendations for
achievable and measurable ballast water discharge
standards; a recommendation on whether to continue to
require ballast water exchange plus treatment; and a
recommendation on whether to require vessels to use
shore-based ballast water reception and treatment
facilities.

With the support of the Commission, the staff
also intends to conduct two projects that will study the
effectiveness of shore-based ballast water reception and
treatment, and ballast water exchange plus treatment.

Uh-oh. Can you guys move the slide forward?

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SENIOR ENVIRONMENTAL SCIENTIST THOMPSON: Oh,
there it goes.

Staff requests that the Commission approve the report to the Legislature titled, "2018 Assessment of the Efficacy, Availability, and Environmental Impacts of Ballast Water Treatment Technologies For Use in California"; authorize staff to make non-substantive modifications to the report as are necessary to correct typographical errors, or clarify information presented prior to submission to the Legislature; and finally, direct staff to submit the report substantially in the form Attached as Exhibit A to the legislature in compliance with statute.

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SENIOR ENVIRONMENTAL SCIENTIST THOMPSON: Thank you much -- thank you very much for your time, and I'll be happy to answer any questions you have about the report.

CHAIRPERSON YEE: Thank you very -- thank you very much.

MARINE ENVIRONMENTAL PROTECTION DIVISION ASSISTANT CHIEF DOBROSKI: And I just have one follow on regarding recent federal legislation. My name is Nicole Dobroski. And I'm -- oops. I'm an Assistant Chief of the Marine Environmental Protection Division and also Manager of the Commission's Marine Invasive Species Program.

As you might know, Congress recently passed the
Vessel Incidental Discharge Act, often known as VIDA or VIDA. As part of S-140, the Frank LoBiondo Coast Guard Reauthorization Act of 2018. VIDA will preempt California's authority to establish and implement state-specific ballast water management requirements, including ballast water discharge performance standards.

If signed by the President, VIDA could take four years to preempt State law, because the U.S. Environmental Protection Agency, and the United States Coast Guard, must first adopt regulations to implement.

During that time, states retain authority to continue existing management programs. VIDA will have implications for how the California Legislature wishes to proceed with the recommendations and the ballast water treatment technology assessment report presented to you today. Staff is working closely with congressional staff, the Governor's office, and the Attorney General's office to closely review the bill language and determine next steps.

We will keep the Commission informed of any new developments. And I'd be happy to answer any questions you might have about the legislation.

CHAIRPERSON YEE: Thank you very much, and thank you for continuing to take a proactive watch on that legislation. Thank you.
I just have one question. Of the recommendations, Jonathan, that you outlined, are we going to be sponsoring legislation to try to seek some of that authority, particularly on...

EXECUTIVE OFFICER LUCCHESI: So we're still determining that in terms of looking at authors and that sort of thing. In the past, changes have been -- to the Marine Invasive Species Act have been effectuated through committee bills. However, we're still in the process of kind -- of essentially assessing what the best avenue to go forward is. We still have a little bit of outreach to do.

And any sponsorship position or support position by the Commission will have to come back to the Commission for that position. So we'll still need to seek out your authorization to participate in that way.

CHAIRPERSON YEE: Okay. Sounds good. Thank you. Comments, members -- Commissioners?

Okay. Seeing none.

Is there a motion?

ACTING COMMISSIONER WONG-HERNANDEZ: Move approval.

CHAIRPERSON YEE: Okay. We have a motion Commissioner Wong-Hernandez --

EXECUTIVE OFFICER LUCCHESI: You do have one
public comment. Thank you.

CHAIRPERSON YEE: Oh, I'm sorry. Yes. Thank you.

I'm sorry. Sienna -- is Sienna Courter in the audience?

Thank you. I apologize.

MS. COURTER: No problem.

Hello. I'm Sienna Courter, representing San Francisco Baykeeper. Thank you very much for the opportunity to provide these comments. San Francisco Baykeeper's mission is to protect San Francisco Bay from the biggest threats, and hold polluters accountable.

Marine invasive species are one of our major threats that we deal with in San Francisco Bay. The high level of shipping in the bay, as well as the confines and local conditions make it a really great place for invasive species to move in and call it home.

So we have a bunch of very ferocious carnivorous snails and crabs that poke holes in our levees, as a result. But there's been a lot of negative impacts to our economy, ecosystem, and overall health of the bay.

So on that note, we were really excited to engage on this topic. I'd like to commend State Lands Commission staff for engaging us, along with other stakeholders and the opportunity to provide feedback on this report.
So overall, we would like to voice our support for requiring exchange and treatment. As it was mentioned previously, the research looks good as far as that being an effective way to prevent marine invasive species introduction overall.

We would encourage the Commission, as we consider modifying the current implementation standards to keep in mind that California's standards were specified to be stricter than the federal standards for a reason, because they needed to be more protective for California's waters than the federal standards were.

So as we consider modifying the implementation schedule and adopting those federal standards, just encouraging the Commission to continue to work towards attaining those original California standards.

We'd also like to support the proposition in the recommendation sections of this report for a pilot program that could continue to assess the efficacy of different treatment technologies especially barge-based treatment here in the State of California.

So on that note, thank you very much for the opportunity to provide these comments.

CHAIRPERSON YEE: Thank you.

Any other member of the public wish to speak on this item?
Okay. Hearing none.

Is there a motion?

ACTING COMMISSIONER WONG-HERNANDEZ: Move approval.

CHAIRPERSON YEE: Okay. Motion by Commissioner Wong-Hernandez to approve the report.

ACTING COMMISSIONER VIOLA: Second.

CHAIRPERSON YEE: Second by Commissioner Viola. Without objection, such will be the order. Thank you very much.

Okay. I believe now, we're returning to Item 54, is that correct?

EXECUTIVE OFFICER LUCCHESI: That's correct.

Yes.

CHAIRPERSON YEE: Okay. Very Well.

EXECUTIVE OFFICER LUCCHESI: And I'll be giving staff's presentation today.

CHAIRPERSON YEE: Okay. Great.

EXECUTIVE OFFICER LUCCHESI: And I do have a presentation -- PowerPoint to give some context.

CHAIRPERSON YEE: Okay.

(Thereupon an overhead presentation was Presented as follows.)

EXECUTIVE OFFICER LUCCHESI: So Item 54 is proposed 49-year lease with the County of Santa Barbara
for the operation, maintenance, and repair --

--o0o--

EXECUTIVE OFFICER LUCCHESI: -- of rock revetment shoreline protective structure located just west of Sand Point Road on tidelands adjacent to the Pacific Ocean near Carpinteria.

So what you see on the slide right there is Carpinteria to the south, the Carpinteria Salt Marsh to your left, and the row of about 24 houses, and then the Pacific Ocean, just to orient you.

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EXECUTIVE OFFICER LUCCHESI: In 2006, the Commission was contacted to identify and determine our jurisdictional interest in the lands underlying the existing rock revetment. And based on our internal review of the records and our -- and our bound -- and our assessment of the boundary, we -- the Commission asserted jurisdiction underlying the rock revetment in 2007.

The existing rock revetment was originally constructed by the county of Santa Barbara in 1964. At the time of the construction, the county board of supervisors established the Sandyland Seawall Maintenance District Number 1 pursuant to the provisions of the Streets and Highways Codes of the State of California.

The district administers the expenses for --
excuse me. The district is administered by the county
with expenses for maintaining the rock revetment paid by
the upland property owners through assessments. The rock
revetment was repaired and expanded seaward in 1983, and
it was further repaired in 1994 and 1998.

It should be noted that the expansion and repair
in 1983 was, I believe, conducted under an emergency
coastal development permit issued by the Coastal
Commission, but has not sent -- it since that time has not
gone back to the Coastal Commission for a permanent
coastal development permit.

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EXECUTIVE OFFICER LUCCHESI: Just -- the rest of
the slides are just going to be different pictures of the
rock revetment and the beach.

The location and extent of the State's fee-owned
sovereign lands are generally defined by reference to the
ordinary high water mark of tide and submerged lands as
measured by the mean high tide line. The boundary remains
ambulatory, except for there has been fill or artificial
accretion, or the boundary has been fixed by agreement or
court decision.

The Commission and the upland property owners
have conflicting claims as to the ownership of the real
property located under portions of the rock revetment.
The upland property owners contend that the legal boundary between the privately owned upland property and sovereign state tidelands is seaward of the proposed leased premises.

The Commission -- excuse me, is -- yeah, seaward of the lease premises. However, Commission staff contends that the legal boundary is generally along the mean high hide line surveyed in 1964 in certain areas, and the 1983 mean high tide line in other areas.

The Commission staff and upland property owners vigorously deny each other's contentions of the unique facts and law applicable to this particular section of the coastline in Santa Barbara County. And under the threat of litigation concerning this ownership, Commission staff and upland owners have been involved in extended and lengthy discussions over many years, including mediation in 2016.

It's well established that the presence of a rock revetment, or any other protective structure may represent an impediment to public access, and enjoyment of the adjacent tidelands. However, the lease before you today expressly requires that the lessee shall support and facilitate public access, and not prohibit, interfere, or otherwise restrict the public's access, use, and enjoyment of any areas of the state-owned lands within or adjacent
to the lease premises.

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EXECUTIVE OFFICER LUCCHESI: The proposed lease also requires the county to maintain the revetment in good order and repair, and indemnify the State for liability. While staff recommends -- rarely recommends such a long-term lease term, the public benefit, in our opinion, associated with this proposed lease includes the preservation of the State's current or future ownership and boundary claims, and is in avoidance of potentially costly protracted litigation with uncertain results over the boundary and title conditions -- contentions between the upland property owner and the Commission.

And we acknowledge that sea level rise, coastal processes, and the existing rock revetment will likely contribute to the reduction in beach width and potentially impact access along the coastline here. However, and I know that this is -- this is a real struggle. But the issue associated with the uncertainty associated with a quiet title litigation here from staff's perspective weighed heavily in trying to achieve a negotiated lease that had such a long term -- term -- long-term term.

And so we are recommending a proposed lease as a settlement mechanism to preserve the State's current and future ownership and boundary claims. And that's
important on a number of different levels, both in terms
of how it may define other regulatory agencies'
jurisdiction, as well as being able to adapt to changing
conditions and circumstances along our coast.

And, you know, the overall goal here is to avoid
litigation that has very unclear and unreliable results
for this unique section of California's coast.

So for the reasons stated in the staff report and
in this presentation, staff believes that the issuance of
this lease will, on balance, not interfere with Public
Trust needs at this location at this time in the
foreseeable term of the lease, and is in the best
interests of the State, primarily because of -- it avoids
litigation over the boundary and the ownership issues.

And with that, that concludes my presentation.

So thank you.

CHAIRPERSON YEE: Thank you, Jennifer, very much.
Comments, Commissioners?

Let me just start -- and I appreciate the
considerations with respect to the term that is in the
staff report. I guess I'm still -- this is not typical, I
take it, in terms of the term that we're talking about
here, the 49 years. And it may be that the Public Trust
needs may not change a great deal over that period of
time. But I've got to think that issues around sea level
rise and climate change are going to present some issues.

And so for that reason, I'm just having a hard
time putting my arms around kind of the term of the -- the
terms that you've set forth. So can you just speak to
that, maybe on -- not the Public Trust said, but typically
what the terms have been for.

EXECUTIVE OFFICER LUCCHESI: Looking at different
leases that the Commission has authorized over, you know,
the past couple years to five or six years, on balance, we
typically issue leases with a ten-year term for protective
structures. So, one example, I can cite to is the
recent -- well, I guess it was a couple years ago now, but
the Broad Beach project. And again, that had some
similarities, but some significant differences as well.

And I'm hesitant to get into a lot of the details
associated with kind of the strengths and weaknesses of
the evidence on both sides. However, with that said, the
Broad Beach lease was for a ten-year term, and -- but it
did involve specific construction associated with that.

In other situations, we have also entered into
where litigation has actually been filed. We have had
different ways of approaching a settlement that is -- you
know, has some similarities to this situation at hand, but
there are some unique nuances.

So, for example, our most recent settlement
involved a rock revetment at Seacliff Beach in Ventura County. The nuance in that situation was Caltrans actually built the revetment on behalf of the property owners. And so we -- the Commission authorized a settlement whereby we entered into a lease with Caltrans for the operation, and maintenance, and repair of that rock revetment. But on balance, our typical terms for rock revetments and other shoreline protective structures is about ten years.

CHAIRPERSON YEE: All right. In this case, we've had the county involved for quite some time, so --

EXECUTIVE OFFICER LUCCHESI: That's correct.

CHAIRPERSON YEE: Right. Okay. All right. Other comments, Commissioners?

Yeah, I'm -- I'm troubled by this. I mean, I think -- and again, not contrasting, but certainly we've had an arrangement here where the county is conducting work. We have had a district that was formed to assess the property owners. I mean, I think there's more known, I guess, here, and so -- in terms of our relationship with the county. And just the period of time that is being proposed here, I actually think this makes for an easy case for a ten-year lease. And maybe I'm overthinking it or not thinking about it thoroughly, but it just seems to me there's more pieces in place than some of the other
situations that we've seen.
   So I'm inclined to reduce the term, but I'm
curious about what others think.
   Commissioner Wong-Hernandez.
   ACTING COMMISSIONER WONG-HERNANDEZ: I would be
supportive of that as well. I'm -- I have some uneasiness
too, but I can't quite put my finger on it in the same
way. I don't want to set -- I don't want to set precedent
that we don't even realize we're setting for other areas
potentially of the State.
   CHAIRPERSON YEE: Yeah.
   ACTING COMMISSIONER WONG-HERNANDEZ: And so as a
compromise point, I think that a ten-year lease would be
good.
   EXECUTIVE OFFICER LUCCHESI: We do have three
speaker slips.
   CHAIRPERSON YEE: Yes.
   EXECUTIVE OFFICER LUCCHESI: So it may be
informative to hear from those speakers.
   CHAIRPERSON YEE: Sure.
   EXECUTIVE OFFICER LUCCHESI: And then I also
wanted to offer that the county does have a representative
here, if you had any specific questions of the county.
   CHAIRPERSON YEE: Okay. Good. That would be
great. Thank you.
We do have -- let's see, let me ask Mr. Chytilo to come forward. Mark Chytilo, and then we've got followed by Matt O'Malley and Mandy Sackett.

MR. CHYTILO: Good afternoon, Madam Chair. I'm Mark Chytilo. And I do have a PowerPoint with just a few slides to give a little bit of orientation.

(Thereupon an overhead presentation was presented as follows.)

MR. CHYTILO: I represent one of the lot owners out at Sandyland. I represent one of the lot owners out at Sandyland, who has concerns over the natural resources and the character of the area. So I wanted to just show you a few slides.

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MR. CHYTILO: I was looking for the mouse, but it's a little hard to point. But here is that overview slide similar to what you saw from staff. And the important point to make here is the location and the -- I don't know if there's anyway to show along the -- the homes are along these 25 lots right there. This is the outlet to the slough itself.

This area is the slough. Carpinteria salt marsh is an extremely valuable ecological area with its wetlands, endangered plants. And it's also an extremely vulnerable area. There are four streams that -- fresh
water streams that flow into the slough itself. And the whole watershed for all of this area was severely burned during the Thomas Fire. So much so that FEMA recalculated the base elevation for this zone by raising it five feet since -- after the Thomas Fire.

    And, of course, on the other side from where these homes are, there are the threats associated with the ocean.

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MR. CHYTILO: And so we feel like this is a pretty significant matter that we appreciate the Commission's concern for these issues. This is a little difficult to see, but this is the length of the seawalls. But I wanted to highlight the Coastal Commission's violation letter, which really is one of our main concerns here --

    --o0o--

MR. CHYTILO: -- that as the State Lands Commission considers this lease, that the terms of the lease be such that they don't compromise the ability of the Coastal Commission to follow up from its 2015 enforcement action, and I think shortening the term is one way to look at that.

    --o0o--

MR. CHYTILO: There's a photo that I just wanted
to show the -- on the lower right-hand side there. You can see there's actually two sets of seawalls here. This is looking towards the west. The slide to the left is looking to the east towards the mouth, where the two walls come together.

And what we've been able to see from site visits here is that there is different -- the age of the different materials that have been provided clear -- complete -- provide clear evidence as to when -- what is permitted and what was not permitted.

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MR. CHYTILIO: And we think that again just the concern that as you look at the lease, that you ensure that the Coastal Commission's permitting and enforcement jurisdiction is given full deference and allowed to proceed. And that may well affect the nature of the activities within the lease itself, so that there's an opportunity within the lease to revise its terms in order to accommodate those changing circumstances.

And with that, I'll conclude. Thank you Madam Chair.

CHAIRPERSON YEE: Thank you, Mr. Chytilo.

Jennifer, can I just ask you to comment on that with respect to kind of the relationship to the Coastal Commission?
EXECUTIVE OFFICER LUCCHESI: Yes, of course.

To Mr. Chytilo's specific comment about ensuring that the lease does account for the Coastal Commission's jurisdiction, there are a number of different terms in the lease that address that concern. One is that it is expressly conditioned on approving or obtaining all regulatory approvals for activities within the lease premises, and specifically calls out the Coastal Commission's jurisdiction in this area.

And then in the event that whether it's through the county and their repair and operation plans, and maintenance plans, or through the Coastal Commission's actions and conditioning any after-the-fact permit, the lease includes terms that would require the county to come back to the Commission to amend the lease to account for those changes in circumstances.

So the lease is very specific that it authorizes repair, operation and maintenance. Any significant construction, expansion or modification of the protective structure would need a further amendment by the Commission.

CHAIRPERSON YEE: Great. Thank you very much. Let me have our next speakers come forward. Mandy.

MS. SACKETT: Matt had ceded time --

CHAIRPERSON YEE: Okay.
(Thereupon an overhead presentation was
Presented as follows.)

MS. SACKETT: -- but he had to leave, so I'll be
more brief.

This is Mandy Sackett with the Surfrider
Foundation.

Okay. Good afternoon, Chair Yee, Commissioners.

Surfrider is national non-profit organization
dedicated to coastal preservation and beach access. We
have 20 chapters in California and represent thousands of
supporters in the state. On behalf of all people who
love, enjoy, and depend on public coastal access, we
respectfully disagree with staff's assertion that issuance
of the proposed lease will not substantially interfere
with Public Trust needs and is in the best interests of
the state.

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MS. SACKETT: According to staff's report, the
rock revetment, at least part of which is unpermitted and
therefore currently illegal, provides primarily a private
benefit to the upland homeowners and may impede public
access and enjoyment of the adjacent beach. When it comes
to coastal armoring, we know that revetments do impeded
public access and enjoyment by hastening beach erosion.
And your staff notes this multiple times in their report.
MS. SACKETT: Here, it says, "Armoring structures along the coast, while intended to safeguard upland properties offer only temporary protection, eventually accelerating long-term erosion, and leaving homes and property at risk. Further, the revetment also has the potential to exacerbate the impacts of sea level rise and increase storm and wave activity on State sovereign land.

MS. SACKETT: The beach width will be reduced due to the inability of the beach to naturally migrate landward, as a result of hard -- the hard armoring structure.

MS. SACKETT: Beach loss is anticipated to increase over the term of the lease, because of the combined factors of climate change impacts, natural dynamic coastal processes, and the presence of the rock revetment.

MS. SACKETT: And finally, they also note that the projected conditions, as a result of sea level rise, increase the likelihood of future damage to the rock revetment, thus requiring more frequent maintenance and
greater fortification.

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MS. SACKETT: In short, this illegal revetment
protects private property at the expense of the public's
beach, which does not align with your obligation to uphold
the Public Trust. We do note that the proposed lease
requires the county to support public access and maintain
the revetment. Unfortunately, the applicant has a bad
track record in this regard.

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MS. SACKETT: For years, Santa Barbara County has
flaunted conditions related to rock revetment at Goleta
Beach. It would take more time to walk you through the
history than I have right now. But briefly, we have
documented the following violations: Repeated exposure of
the rock revetment, multiple instances of the county
running heavy equipment on the beach, a failure to
maintain safe access and to remove debris related to the
revetment, the devastation of grunion habitat and beach
grooming immediately after grunion runs, which, of course,
destroys their eggs.

Our Santa Barbara chapter has filed a complaint
with the Coastal Commission. And we have reason to hope
an enforcement action is forthcoming. We believe the
Commission would be remiss to not consider the county's
past and current actions when deciding whether or not to
approve this lease.

    Indeed, your staff notes that the Coastal
Commission has indicated that portions of the existing
rock revetment are not currently permitted, which only
confirms the county's historical failures in this regard.

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    MS. SACKETT: SO we know the public -- what the
public stands to lose, another beach in a time when the
State should be doing everything possible to preserve
every inch of coast.

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    MS. SACKETT: And just to wrap-up up, the public
benefit described in the report claims that the
preservation of the State's current or future ownership
and boundary claims, which is no small thing, but in the
face of rising seas, eroding beaches, increasing inland
temperatures, and a growing California population, the
State Lands Commission, as guardians of the Public Trust,
must not be afraid to fight for what belongs to the
public. We reject the idea that this charge should fall
only on the backs of the Coastal Commission.

    And finally and again, we respect the hard work
of staff, and often find ourselves aligned with them. And
we do agree with staff's conclusion that the sea level
rise, coastal processes, and the existing rock revetment will continue to -- will contribute to the reduction in the beach width and potentially impact public access.

But because of that very conclusion, we must oppose the recommendation. We ask you instead to either deny this lease, or at the very least reduce the terms to no more than two years, which will allow the county to apply for a permit from Coastal Commission, give greater -- give the public a greater chance for input, and will allow the State Lands Commission an opportunity to reassess how well the process is working in the near future, without the risk of permanently sacrificing public beach access here for decades to come.

Thank you.

CHAIRPERSON YEE: Thank you very much, Mandy.

Other comments?

There's a representative from the County who is here. Come forward.

MR. JONES: Good afternoon, Commissioner Yee.

CHAIRPERSON YEE: Good afternoon.

MR. JONES: Commissioners, my name is Morgan Jones. I'm the senior engineering environmental planner for Santa Barbara County.

Essentially this is my project. I'm happy to answer any questions that you have.
Please.

CHAIRPERSON YEE: Okay. Just wanted to have you identify yourself, in case we had questions.

Okay. Well, I'd like to -- I'd like to see the term of the lease reduced. I think the -- just what we know of what to expect with respect to affects of sea level rise and climate change at the very least. But I also think the terms and conditions of the lease allow us to, one, continue to respect the Coastal Commission jurisdiction; and then, two, any -- any issues that arise that would require us to take another look at the lease would -- that would come back to us.

But I don't see a compelling case for treating this particular revetment differently from what we've had come before us. Obviously, the circumstances are unique to -- to this area, and to this particular set of property owners.

But I think the same issues, in terms of this Commission's interest still applies with respect to some of the other projects that we've seen come before us. So with that, I'd like to move that we approve the lease, but reduce the term from 49 year to ten years.

Is there a second?

ACTING COMMISSIONER VIOLA: Second. Second.

CHAIRPERSON YEE: Okay. Second by Commission
Viola.

Comments?

Discussion?

No.


Thank you.

I believe, Jennifer, that takes us through the agendized items, yes?

EXECUTIVE OFFICER LUCCHESI: Yes. Now, we are concluded with the agenda. We move to --

CHAIRPERSON YEE: Into public comment.

EXECUTIVE OFFICER LUCCHESI: -- agendized items.

We now move into public comment, and we have a number of speakers --

CHAIRPERSON YEE: Yes, we do.

EXECUTIVE OFFICER LUCCHESI: -- for public comment.

CHAIRPERSON YEE: Let me go ahead and call the speakers up, and -- Mark Chytilo again, John Heatherington, and Pam Heatherington to follow.

MR. CHYTILO: Good afternoon again, Chairman Yee or Chairperson Yee, members of the Commission. I'm Mark Chytilo.

I'm here in a different capacity speaking on
behalf of the Gaviota Coast Conservancy. And I did present a short PowerPoint --

(Thereupon an overhead presentation was presented as follows.)

MR. CHYTILIO: -- that I'd like to use to give you an introduction to the Gaviota coast, and some of the key issues that we currently have going, and one issue that's currently active with staff, one of several.

The Gaviota Coast Conservancy' mission is to preserve the rural character of the Gaviota Coast. This is an extraordinary section of Southern California's coast that for by miracle, luck, or happenstance has not yet been developed. And it's principally an agricultural area, but it has tremendous natural resource, cultural, biological, and visual features.

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MR. CHYTILIO: So I'm going to start with a big scale map and move more quickly down. This is a map showing all the way from Los Angeles in the lower right-hand corner up to Vandenberg Air Force Base, the pink area.

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MR. CHYTILIO: As we get closer, it looks like we move a little bit off that, we can see this is the Highway 101 section with UCSB and Goleta all the way on the margin...
on the right. And then it goes around to where Highway 101 turns up and in at Gaviota State Park and the beginning of Hollister Ranch.

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MR. CHYTILO: Moving further towards Goleta and there's a series of ranches that have been a high priority for us, as we seek to prevent this area from being promo -- being developed for residential uses, and protect it for open space and community functions.

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MR. CHYTILO: One of the key parcels -- before I get into that, actually I want to talk a little bit about Platform Holly. You heard in the director's report, and we had a town hall meeting last -- a couple of weeks ago where staff came and was able to present to the community what was going on with Platform Holly. And I just want to offer, on behalf of the GCC and the Santa Barbara community, our heart felt appreciations for the work of the staff and the Commission, not only in proceeding with Platform Holly's abandonment and decommissioning with the immediate decommissioning of the two PRC 421 wells on the beach, but also stepping up with the condemnation action on the EOF, the Ellwood Onshore Facility, which otherwise going to be an orphan. It was going to be a much bigger problem later on.
And I just want to appreciate the step of the Commission to take over that facility and to manage these all, and move them forward for their ultimate use we hope by the City of Goleta. It's currently zoned recreational, the EOF facility. So we're very pleased to be able to support you on that.

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MR. CHYTILO: One minor issue, as the platform abandonment is going ahead for the two PRC wells, right here in this top slide, you can see there -- the two wells themselves. We've been trying to get a coastal access trail to connect from over here on the east side, from the Ellwood Preserve - this is county-owned lands - to be able to get across the Sandpiper Golf Course to get to the Bacara, which is over on this side.

And so we've suggested to staff as a potential mitigation measure for the closure of the beach associated with the two well closure facilities there, that we work with the Commission to try and secure an alternative coastal access trail along the toe of the bluff to be able to complete that coastal trail between Ellwood and UCSB all the way out to the Bacara and to Gaviota further west.

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MR. CHYTILO: And then finally, a parcel of
particular interest to us right now is the one just to the west of the Bacara. And it's the one that has the State Lands Commission's pier on it. The Ellwood pier it's known as. This pier has been critical for the development of the oil industry, and -- off the Gaviota coast, including Platform Holly. As we're seeing a number of those facilities winding down and move towards abandonment, we're hopeful that we might be able to look at a strategy to have this property, which may be available for acquisition and use for the public's open space and recreational functions, be joined with an effort by the Commission to gain access to the Commission's pier and ultimately become a recreational facility.

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MR. CHYTIL0: It's one of the few piers on the Gaviota coast, and it offers a substantial amount of benefit to the public.

So in closing, we'd like to thank you very much for your concern, your -- the work that the Commission has been doing to address oil facilities, and a request to support staff's efforts to move forward to try and preserve some of the critical parcels on the Gaviota coast.

Thank you very much.

CHAIRPERSON YEE: Thank you.
MS. HEATHERINGTON: Pam Heatherington. My husband John Heatherington ceded some time. I don't think I'll need it, but in case I do.

Good evening, Chair Yee and Commissioners. I am Pam Heatherington from the Environmental Center of San Diego. Our goal today is to introduce you to the De Anza Cove at Mission Bay.

And hopefully, they'll bring that up.

(Thereupon an overhead presentation was presented as follows.)

MS. HEATHERINGTON: This is a picture of De Anza Point from I-5 coming south. De Anza Cove has a long and disappointing history, much of which likely transpired before you all were born.

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MS. HEATHERINGTON: This is an 1857 map of what is now Mission Bay. It was called False Bay back then, because it was mudflats and wetlands, those things that clear our -- clean our air and clean our water.

It's essential that you have a strong understanding of the promise to the people and how important it is that public access to the bay be restored and protected.

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MS. HEATHERINGTON: In 1945, the State Lands
Commission deeded the tidelands of Mission Bay to the City of San Diego for the use and enjoyment of all citizens of California. Almost immediately, the marsh was dredged to create De Anza Point and a revenue stream for the City of San Diego. It soon, however, morphed into a gated residential community. And you can see that's -- oh, boy, I'm really dangerous with these things. It's the boot point there that has a gated community on it.

The destruction of the marsh and the increasing private use of De Anza Cove, however, has always been controversial. In 1980, this body, the State Lands Commission, conducted a review and found that De Anza was being used illegally, the result being the Kapiloff Bill of 1982, AB 440, which allowed the residents to stay until the lease ran out in 2003.

While most of the residents are gone now, the litigation and controversy continue. The Mission Bay Park Master Plan has conflicting ideas about what should be done at De Anza Cove and what the uses should be. But the public has already expressed a desire for more natural and open space in Mission Bay, as outlined in the Mission Bay Master Plan of 1992.

In 1955, across the street on city-owned land a golf course was built. And within a decade, the corner of Mission Bay was almost inaccessible from the surrounding
community as it remains to this present day.

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MS. HEATHERINGTON: The area surrounding Mission Bay, Pacific Beach area, is considered a park poor area. This is the 2010 San Diego Foundation's report that shows that it's not only park poor, but lower income.

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MS. HEATHERINGTON: And those orange dots right there that are kind of outlined to the left, where you see the bay, are MS4 permits on Rose Creek. It's the only creak that enters into -- fresh water creek that enters into Mission Bay, and it is totally polluted. I can give you reports that Coastkeeper has been keeping track of.

The city has numerous projects in this north area of Mission Bay. None are looked at cumulatively, keeping Rose Creek, the Balboa Avenue Station Project, and the De Anza revitalization as separate projects, limiting any ability to mitigate impacts on this site.

And believe me, the air pollution that the Balboa transit area will be of -- could have been offset by restoring wetlands in Mission Bay.

The City of San Diego will likely come forward with a glitzy plan that seeks revenue over restoration, eliminates wetland areas, further impacts water quality, and snubs its nose at the park poor lower income residents
surrounding the De Anza Cove area.

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MS. HEATHERINGTON: We believe the creation and restoration of open space and natural habitat in the De Anza Cove area will provide a buffer against sea level rise, restore wetlands, improve water quality, and help mitigate proposed development contiguous to this area. It will also give back to the public a part of the bay that has long been denied to them.

In closing, I invite you to visit the site to see for yourself. If you come here to De Anza, you will see how a neighborhood can be park poor, even though it is right next to the largest park in San Diego.

Thank you for your thoughtful attention.

CHAIRPERSON YEE: Thank you, Ms. Heatherington. And let me call up our next speakers.

Chiwah Slater, followed by Charles Langley, and Nina Babiarz.

Is Chiwah Slater in the audience?

Charles Langley?

MR. LANGLEY: I am Charles Langley with Public Watchdogs. And I wanted to address the issue of the Environmental Impact Report that was done by the California State Lands Commission on the San Onofre Nuclear Generating Station. It's a truly excellent
report, but there are a couple of new developments at San
Onofre that I think merit further review by the people who
put that report together.

And one is that on July 22nd, there is what was
called a near miss event by the Nuclear Regulatory
Commission, or an unsecured load event, where Southern
California Edison nearly dropped a canister weighing
100,000 pounds full of nuclear waste at the facility.
This event, under federal law, CFR 75.25 -- or, excuse me,
CFR 75.75 requires that they report something like that
between one and 24 hours after the event. They still
haven't reported it. It's not on the NRC, Nuclear
Regulatory Commission, events page. They are clearly in
violation of federal law.

On August 3, they violated the law again. There
was a near miss event, where a canister nearly dropped 18
feet, and they didn't report it until August 9th.

The public was kept completely in the dark by
this. The Nuclear Regulatory Commission had been informed
informally, but there was no public record, and this is
deeply disturbing to us. The public has a right to know
when the public's life is endangered. Each one of these
cans contains more Cesium 137 than what was released
during the entire Chernobyl disaster. One can -- in a
criticality event in one can could destroy all of Southern
California and make it permanently uninhabitable for thousands of years.

    There are more than 70 of these cans that will be put on the beach -- 109 feet away from the beach, two feet above the salt water table. They are in thin-walled casks. It's 5/8 of an inch thick stainless steel between us and this Nuclear waste.

    I think these factors consider -- or merit consideration by the State Lands Commission.

    Thank you.

    CHAIRPERSON YEE: Thank you very much, Mr. Langley.

    Jennifer, do you have any comment on that?

    EXECUTIVE OFFICER LUCCHESI: I'm happy to comment. We are aware of the August 3rd incident. Off the top of my head, I'm not sure if our team is aware of the previous incident, but -- we are. I'm looking back at them, and they're nodding, so -- and these are -- these are issues that we have -- that have been part of comments made, as part of the responses to -- responses to the draft Environmental Impact Report. We are currently reviewing those comments now.

    And as I mentioned in my Executive Officer's report, we will be bringing the -- we anticipate -- our goal is to bring the EIR for certification and the
Commission's consideration of the lease for the
decommissioning activities for units 2 and 3 at the
February Commission meeting.

And we will be able to talk more fully about the
incident, and how that is or isn't addressed in the EIR,
but addressed in our staff report, and that sort of thing,
and answer questions.

But we appreciate the comments being made today,
and we are actively reviewing all of that information, so
that we can provide that to the Commission in
consideration of the application that we received next
year.


Thank you.

Nina Babiarz.

MS. BABIARZ: Actually, my first name is
pronounced Nina.


MS. BABIARZ: Nina Babiarz.

CHAIRPERSON YEE: Okay.

MS. BABIARZ: And first of all, I guess
congratulations are in order, Chair Yee.

CHAIRPERSON YEE: Thank you.

MS. BABIARZ: And I actually spoke before the
State Lands Commission about 18 months or so, the last
time I think you were in San Diego. So welcome back to
our finest city.

And I'm going to start my comments today where I
left off at the last visit of the State Lands Commission.
And at that conclusion of my comments, I made the
statement that history is watching. And implore the State
Lands Committee to -- Commission to consider that so far
all that's been determined at San Onofre has been done in
secret, behind closed doors, in private negotiations, and
has betrayed the public's trust.

Now, we originally thought -- I'm a board member
with Public Watchdogs, and represent thousands of our
supporters that are -- have this issue of San Onofre as a
priority. And we originally thought that the meeting was
going to be held December 11th, because that's what was
announced at every single public input hearing during the
public input period of the Environmental Impact Report.
So I'd very much like to compliment Eric Gillies with your
State Lands Commission for answering my inquiry about this
rescheduled meeting.

And, of course, we were questioning why SONGS --
so appreciate, Jennifer, you outlining the detail.
However, I do firmly believe that the public, and there
were hundreds of people that showed up and testified
specifically about the Environmental Impact Report, people
that went through every single one of those 780 pages, and
had specific concerns and comments who were not notified
properly, I don't believe, because we've been, no pun
intended, dogging this issue every step of the way. And
we had to really dig to find out when this meeting was
going to be held.

And so I'd like to reiterate a couple of things,
number one, that July 22nd incident that was unreported,
that Charles referred to was unreported to the Nuclear
Regulatory Commission. There was also an August 2nd event
that was not reported, so after the conclusion of the
public input period. And that was the asbestos discovery.
And, of course, I don't believe that that is in the
original input EIR, in addition to the August 3rd.

And so we believe that these three major
incidents, each one a threat to our community, was not
only intentionally withheld from the public after the
public input period, but I feel personally that it was
intentionally concealed from the public during the public
input period of that EIR. And that's just unacceptable.

Thanks so much for being here and allowing me the
opportunity to express my opinion. Appreciate it.

CHAIRPERSON YEE: Thank you very much, Ms.
Babiarz.

Any other member of the public wish to address
Okay. Jennifer, any other order of business?

EXECUTIVE OFFICER LUCCHESI: No.

CHAIRPERSON YEE: Okay. With that, we'll recess our open session, and the Board -- the Commission will now go into closed session.

EXECUTIVE OFFICER LUCCHESI: That's correct.

CHAIRPERSON YEE: So let me ask the members of the public if they will vacate the room.

(Off record: 4:41 p.m.)

(Thereupon the meeting recessed into closed session.)

(Thereupon the meeting reconvened open session.)

(On record: 5:16 p.m.)

CHAIRPERSON YEE: Okay. Great. Thank you. We are reconvened in open session. The Commission met in closed session to discuss pending litigation. Anything to report out?

EXECUTIVE OFFICER LUCCHESI: No.

CHAIRPERSON YEE: Nothing to report out? Any other business to come before the Commission? Seeing and hearing none, the Commission meeting is adjourned.

Thank you.
(Thereupon the California State Lands
Commission meeting adjourned at 5:16 p.m.)
CERTIFICATE OF REPORTER

I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing California State Lands Commission meeting was reported in shorthand by me, James F. Peters, a Certified Shorthand Reporter of the State of California;

That the said Skype proceedings was taken before me, in shorthand writing, and was thereafter transcribed to the best of my ability with intermittent Skype connection, under my direction, by computer-assisted transcription.

I further certify that I am not of counsel or attorney for any of the parties to said meeting nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of December, 2018.

[Signature]

JAMES F. PETERS, CSR
Certified Shorthand Reporter
License No. 10063